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Painted by Sir T. Lawrence. Engraved by H. Meyer.

The Right Honorable John Philpot Curran.

late Master of the Rolls in Ireland.

Published April 20th 1819, by A. Constable & Co. Edinburgh.

THE LIFE

THE RIGHT HONOURABLE

JOHN PHILPOT CURRAN,

LATE MASTER OF THE ROLLS IN IRELAND.

BY HIS SON,

WILLIAM HENRY CURRAN,

BARRISTER AT LAW.

IN TWO VOLUMES.

VOL. I.

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ERRATA.

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Page 28, line 14, *for* Henry Weston, Esq., *read* the Rev. Henry Weston.
54, note, *for* Frenchoy, *read* Frenchay.
65, line 25, *for* tempest, *read* tempests.
104, note, *for* savages, *read* savage.
209, note, *for* Newbery, *read* Newberg.
214, line 23, *for* peferred, *read* preferred.

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Page 17, line 6, *for* their, *read* his.
22, line 22, *for* secured, *read* received.
57, line 3, *for* skirmishes, *read* skirmishers.
78, line 12, *for* natural, *read* the natural.
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212, line 10, *for* feel, *read* I feel.
250, line 3, *for* remin, *read* remain.
382, line 1, and page 385, note, *for* James Thompson, *read* Thomas Thompson.
422, line 2, *for* their, *read* the.

LIFE

OF THE

RIGHT HONOURABLE

JOHN PHILPOT CURRAN.

CHAPTER I.

Mr. Curran's origin—His parents—Early education—Originally intended for the church—Enters Trinity College—His ardour for the classics—Letter to Mr. Stack—Anecdote of his mother—Her epitaph—While in college fixes on the bar—Anecdote connected with the change of profession—His character in college—Addicted to metaphysics—Anecdote on the subject—Verses to Apjohn.

JOHN PHILPOT CURRAN was born on the 24th day of July, 1750, at Newmarket, an obscure town of the county of Cork, in Ireland. In several accounts that have been published of his origin and advancement, it has by a general consent been asserted that the one was very low and the other unassisted;—that he was the sole

architect of his own fortune, and the sole collector of the materials which were to raise it: and lovers of the marvellous implicitly believed and repeated the assertion. Let not, however, the admirers of what is rare be offended at being told, that, no matter how much praise may be due to his personal merit (and the allowance unquestionably should not be scanty), a portion must still be given to the institutions of his country; and to those relatives and friends whose industry and protection placed him in a condition of sharing their advantages. It is of far more importance to the intellectual interests of men to diffuse a rational confidence in the efficacy of instruction, than idly to excite their wonder, and perhaps their despair, by insinuating that there are persons who by nature are above it. It is not by hearing that the subject of the following pages was a heaven-taught unaided genius that others can be encouraged to emulate his mental excellencies, but by learning the real, and to him no less creditable fact, how he stu-

died and struggled—what models he selected—what deficiencies he corrected—by what steps he ascended: to tell this is the duty of his biographer, and not to amaze his readers by uninstructive panegyric.

The lowness* of his origin has been much exaggerated. His father, James Curran,

* When Mr. Curran had risen to eminence, many tables of his pedigree were sent him, all of them varying, and the most of them, he conceived, too flattering to be authentic. Among his papers is the latest of these, tendered to him while he was Master of the Rolls, and made out by a resident of his native place. In the paternal line it ascends no higher than his grandfather, who is stated to have been "a north-countryman, of the county Derry, from which, having met with disappointments, he came and settled in the county Cork:" it adds, that "his only son, Mr. Curran's father, was educated at a school in Newmarket, then kept by the Rev. Mr. Dallis, and afterwards by the Rev. Mr. Morduck, by whom he was considered the best Greek and Latin scholar in their school." In the maternal line, it presents a long list of ancestors, among whom are judges, bishops, and noblemen; but Mr. Curran has marked his incredulity or his indifference by indorsing this paper with "Stemmata quid faciunt." Some other pedigrees derived his descent from the English family of Curwen in Cumberland.

who has been represented as an unlettered peasant, was seneschal of a manor-court at Newmarket. It is confidently asserted, by those who knew him, that he possessed a mind and acquirements above his station; that he was familiar with the Greek and Roman classics, which he often cited in conversation; that he delighted in disputation, and excelled in it; and, among his other favourite subjects of discussion, it is still remembered, that, after his son's return from college, the old man was frequently to be found in ardent contention with him upon the metaphysical doctrines of Locke.

His mother, whose maiden name was Philpot, belonged to a family well known and respected, and of which the descendants continue in the class of gentry. She was a woman of a strong original understanding, and of admitted superiority, in the circles where she moved. In her latter years, the celebrity of her son rendered her an object of additional attention and scrutiny; and the favourers of the opinion

that talent is hereditary, thought they could discover, in the bursts of irregular eloquence that escaped her, the first visible gushings of the stream, which, expanding as it descended, at length attained a force and grandeur that incited the admirer to explore its source. This persuasion Mr. Curran himself always fondly cherished; —"The only inheritance," he used to say, "that I could boast of from my poor father, was the very scanty one of an unattractive face and person like his own; and if the world has ever attributed to me something more valuable than face or person, or than earthly wealth, it was that another and a dearer parent gave her child a portion from the treasure of her mind." He attributed much of his subsequent fortune to the early influence of such a mother; and to his latest hour would dwell with grateful recollection upon the wise counsel, upon the lessons of honourable ambition and of sober, masculine piety, which she enforced upon the minds of her children. She was not without her reward,—she lived to see the dearest of them surpassing

every presage, and accumulating public honours upon a name, which she, in her station, had adorned by her virtues.

John Philpot, the eldest of their sons*, having given very early indications of an excellent capacity, the Reverend Nathaniel Boyse, the resident clergyman at Newmarket, pleased with the boy, and moved by regard for his parents, received him into his house, and by his own personal tuition initiated him in the rudiments of classical learning. This, his first acquired friend and instructor, had also the satisfaction of seeing all his care repaid by the rapidity with which its object ascended to distinction, and still more by the unceasing gratitude with which he ever after remembered the patron of his childhood. Many of this gentleman's letters to him, written at a subsequent period, remain; and it is not unpleasing to observe in them the striking revolution that a few years had effected in the fortunes of his pupil. In some of them, the little villager, whom he had adopted,

* Mr. Curran had three brothers and a sister, all of whom he survived.

is seen exalted into a senator, and is solicited by his former protector to procure the enactment of a statute that might relieve himself and all of the clergy from the vexations of the tythe-laws.

The rapid progress that he made under the instructions of Mr. Boyse, and the fond predictions of his parents, determined them to give their son, what has been always a prevailing object of parental ambition in Ireland, a learned education. It was also their wish, which he did not oppose at the time, that he should eventually enter the church. With this view he was soon transferred to the free-school of Middleton, upon which occasion his generous friend insisted upon resigning a particular ecclesiastical emolument (in value 10*l.* a year) for the purpose of partly defraying the expenses of his young favourite's studies. He remained at this school until he had attained the preparatory knowledge of the Greek and Latin languages, which should capacitate him to become a student of Trinity College, Dublin. It may not be unworthy of remark, that the same seminary had a

few years before sent up to the capital the late Lord Avonmore, then commencing *his* career in circumstances and with a success so resembling those of his future friend.

The early history of eminent persons so generally contains some presaging tokens of the fortune that awaits them, that something of the kind may be expected here; yet Mr. Curran's childhood, if tradition can be credited, was not marked by much prophetic originality. At the first little school in the town of Newmarket to which he resorted, previous to his reception into Mr. Boyse's family, he used to say that he was noted for his simplicity, and was incessantly selected as the dupe and butt of his play-fellows. This, however, it would appear that he soon laid aside, for a puppet-shew having arrived in Newmarket, and Punch's prompter being taken suddenly ill, he, then a very little boy, volunteered to perform the sick man's duty, and seizing the opportunity, mercilessly satirised the reigning vices of the neighbours. This is almost the only exploit of his childhood that has been related.

He entered Trinity College as a sizer in 1769, being then 19 years old, an age at which the students of the present day have for the most part nearly completed their college course. Here he studied the classical writings of antiquity with great ardour and with eminent success. Nor did his enthusiastic admiration of them ever after subside. Amidst all the distractions of business and ambition, he was all his life returning with fresh delight to their perusal; and in the last journey that he ever took, Horace and Virgil were his travelling companions. He obtained a scholarship, and that his general scholastic attainments were not inconsiderable, may be inferred from his having commenced a course of reading for a fellowship; but deterred by the labour, or diverted by accident, he soon gave up the project.

When we reflect upon the lustre of his future career, it becomes a matter of natural curiosity to inquire how far his mind now began to indicate those qualities, by which it was to be subsequently so distinguished; and upon this interesting sub-

ject there happen to be preserved some documents, principally a portion of his early correspondence and his first poetical attempts, from which a few occasional extracts shall be offered, for the purpose of giving some idea of the writer's juvenile habits and capacity. Whatever may be considered to be their intrinsic merit, several of them were at least written with considerable care, and may therefore be introduced as no unfair specimens of the progress of his intellectual strength. To the student of eloquence their defects will not be without instruction, if they inspire him with a reliance upon that labour and cultivation, which alone conduct to excellence.

One of the most intimate friends of Mr. Curran's youth and of his riper years was the late Rev. Richard Stack, his cotemporary at Trinity College, and since a fellow of that university. The following is a formal letter of consolation to that gentleman upon the death of a brother. The writer had just completed his 20th year, and appears to have been so pleased with

his performance, that no less than three transcripts of it remain in his own handwriting.

"Dublin, August 20, 1770.

"DEAR DICK,

"I AM sorry to find by your letter (which I have just now received,) that you judge my silence for some time past with so much more severity than it deserves. Can my friend suspect me of being unconcerned at his sorrows? I would have wrote to you on hearing from Vincent of this late misfortune, but that I was unwilling to press a subject upon your thoughts which you should take every means of avoiding. To offer consolation to a man of sense, upon the first stroke of affliction, is perhaps one of the most cruel offices that friendship can be betrayed into. All the fine things that can be addressed to the fancy will have but small effect in removing a distemper fixed in the heart. Time and reflection only can cure that; and happy is it for us that in this chequered scene, where every thing

feels perpetual decay, and seems created only for dissolution, our sorrows cannot boast of exemption from the common fate. Time, though he sometimes tears up our happiness by the roots, yet to make amends for that kindly holds out a remedy for our afflictions; and though he violently breaks our dearest connexions, yet he is continually teaching us to be prepared for the blow. 'Tis true, nature on these occasions will weep, but, my dear Dick, reason and reflection should wipe away these tears. A few years may see us numbered with those whom we now regret, or will give us cause to congratulate those whose happy lot it was, by an early retreat from this scene of misery and disappointment, to escape those troubles which their survivors are reserved to suffer. 'Tis true, the inattention of youth will leave the great account more unsettled than might be wished; but at this age we have every thing to plead for that defect—the violence of passions, want of reason to moderate them. Faults no doubt we have, but they are the faults of youth, of inexperience; not a course of

wickedness riveted by habit, and aggravated by obdurate perseverance, which (heaven help us) in a length of years they may become; but, above all, that Being who is pleased to call us so suddenly from hence, has mercy and compassion to make allowance for these involuntary omissions. But I find I have fallen unawares upon a theme which I had no intention to pursue so far, as I was persuaded your own good sense would suggest much stronger reasons for your consolation than I could.

"J. P. C."

At the date of this letter, the writer, if he looked forward to fame, expected to find it in the pulpit; but this, and a short religious discourse*, are all that remain of his early compositions, which, from the style, would appear to be written with a view to his first destination. Mr. Stack, however, entertained so very high an opinion of his talents for the solemn eloquence of the church, that being appointed a few years after (1775) to preach before the

* Vide Appendix.

judges of assize at Cork, and being anxious that his matter should be worthy of his auditors, he intreated of his young friend, who was then upon the spot, and going his first circuit, to compose a sermon for the occasion. Mr. Curran complied; and his production excited such general admiration, that his mother, in answer to the congratulations of the neighbourhood upon so flattering a proof of her son's abilities, could not avoid tempering her maternal exultation with christian regret, and exclaiming,—"Oh, yes, it was very fine; but it breaks my heart to think what a noble preacher was lost to the church when John disappointed us all, and insisted on becoming a lawyer." All his subsequent success and celebrity at the bar could never completely reconcile her to the change; and in her latter years, when her friends, to gratify and console her, used to remind her that she had lived to see her favourite child one of the judges of the land, she would still reply,—"Don't speak to me of *judges*. John was fit for any thing; and had he but followed our advice

it might hereafter be written upon my tomb, that I had died the mother of a bishop."

This excellent and pious woman died about eleven years ago, at the advanced age of eighty. It is not written upon her tomb that she died the mother of a bishop or of a judge; but there is to be seen upon it an attestation to her worth from the son who was her pride, which, as long as virtue and filial gratitude are preferred to the glare of worldly dignities, will be considered as an epitaph no less honourable both to the parent and the child *.

* Her remains lie in the churchyard of Newmarket; over them is the following epitaph written by Mr. Curran:

Here lies the body of
Sarah Curran.
She was marked by many years,
Many talents,
Many virtues,
Few failings,
No crime.
This frail memorial was placed here by a
Son
Whom she loved.

It was during the second year of his college studies that he fixed on the profession of the law. In his original intention of taking orders he had been influenced by the wishes of his friends, and by the promise of a small living in the gift of a distant relative, and probably still more strongly by a habitual preference for the calling to which his early patron belonged; but his ambition soon overruled all these motives, and he selected the bar as more suited to his temperament and talents. According to his own account it was the following incident that suggested the first idea of a change in his destination.

He had committed some breach of the college regulations, for which he was sentenced by the censor, Dr. Patrick Duigenan, either to pay a fine of five shillings, or translate into Latin a number of the Spectator. He found it more convenient to accept the latter alternative; but on the appointed day the exercise was not ready, and some unsatisfactory excuse was assigned. Against the second offence a heavier pe-

nalty was denounced—he was condemned to pronounce a Latin oration *in laudem decori* from the pulpit in the college chapel. He no longer thought of evading his sentence, and accordingly prepared the panegyric; but when he came to recite it, he had not proceeded far before it was found to contain a mock model of ideal perfection, which the doctor instantly recognised to be a glaring satire upon himself. As soon therefore as the young orator had concluded, and descended from his station, he was summoned before the provost and fellows to account for his behaviour. Doctor Duigenan was not very popular, and the provost was secretly not displeased at any circumstance that could mortify him. He therefore merely went through the form of calling upon the offender for an explanation, and listening with indulgence to the ingenuity with which he attempted to soften down the libel, dismissed him with a slight reproof. When Mr. Curran returned among his companions, they surrounded him to hear the

particulars of his acquittal. He reported to them all that he had said, "and all that he had not said but that he might have said;" and impressed them with so high an idea of his legal dexterity, that they declared, by common acclamation, that the bar and the bar alone was the proper profession for one who possessed the talents of which he had that day given such a striking proof. He accepted the omen, and never after repented of his decision.

In college he distinguished himself by his social powers. He had such a fund of high spirits and of popular anecdote; his ordinary conversation was so full of "wit, and fun, and fire," that in the convivial meetings of his fellow-students he was never omitted. His general reputation among them was that of being very clever and very wild. He often joined in those schemes of extravagant frolic so prevalent in that university, and after one of the nocturnal broils to which they usually led, was left wounded and insensible from loss of blood

to pass the remainder of the night on the pavement of Dublin.

He was at this time supported partly from the funds appropriated to the sizers, and partly by scanty remittances from Newmarket. But he was frequently without a shilling; for he was incorrigibly improvident, and would often squander, in entertaining his companions, what should have been meted out to answer the demands of the coming quarter. Yet, whatever his privations were, he bore them with singular good humour, and when he had no longer money to treat his friends, he never failed to divert them with ludicrous representations of his distresses and expedients.

One of his sayings while he was in college has been preserved, and is a favourable instance of the felicitous use that he made of his classical knowledge in the production of comical effect. A fellow-student in reciting a Latin theme assigned a false quantity to the syllable *mi* in the word *nimirum*. A buzz of disapprobation succeeding, Mr. Curran, to relieve his friend's confusion,

observed, "that it was by no means surprising that an Irish student should be ignorant of what was known by only one man in Rome, according to the following testimony of Horace,

"Septimius, Claudi, nimirum intelligit unus."

He was at this early period remarkable for his disposition to subtle disputation and metaphysical inquiries, connected with which a circumstance may be mentioned that strikingly illustrates the speculative propensities of his young and ardent mind. A frequent topic of conversation with one of his companions was the investigation of the nature of death and eternity, and the immortality of the soul; but finding that the farther they followed the bewildering light of reason, the more they were "in wandering mazes lost," they came to the romantic agreement, that whoever of them might first receive the summons to another state, should, if permitted, for once revisit the survivor, and relieve his doubts by revealing, whatever

could be revealed to him, of the eternal secret. A very few years after, the summons came to Mr. Curran's friend, who, finding his end approach, caused a letter to be addressed to his former fellow-student, apprizing him of the impending event, and of his intention to perform his promise (if it should be allowed) on a particular night. This letter did not reach its destination till after the expiration of the appointed hour; but it was the first, and the only intimation, that arrived of the writer's decease.

Something of the same turn of mind may be observed in a little poem that Mr. Curran wrote the year before he left Trinity college. One of his cotemporaries there was a young gentleman named Apjohn, with whom he became intimately connected by a community of taste and pursuits, and who claims a passing mention as a friend from whose example and encouragement he derived the most important advantages at this trying period of his career, when hope and ardour were the most precious benefits that a friend could bestow.

During a temporary absence of Apjohn from college, a report reached his companions that he had died suddenly at his native place, Killaloe. It was soon discovered to have been unfounded, upon which occasion, while the others congratulated him in prose, his more ambitious friend addressed him in the following verses.

TO W. APJOHN.

PEACE! whining slut, dismiss those sighs,
Those epitaphs and elegies;
And throwing off those weeds of sorrow,
Go laughing bid my friend good morrow!
Go bid him welcome here again,
From Charon's bark and Pluto's reign!

The doleful tale around was spread;
"Hast heard the news? Poor Apjohn's dead!"—
"Impossible!"—"Indeed it's true—
He's dead—and so is Casey too—
In Limerick this, and that at Killaloe.
As St. Paul says, 'we all must die!'
I'm sorry for't."—"Faith so 'm I—
Extremely so—But tell me, pray,
If you were on the ice to-day?
There was great skating there, they say—"

"I couldn't go for want of shoes—
In truth, I'm sorry for the news—
And yet I knew, and always said,
When he had got into his head
That strange abstemious resolution,
'Twould quite destroy his constitution."
Thus careless, tearless sorrow spoke,
And heaved the sigh, or told the joke.
Yet, must I own, there were a few
Who gave your memory its due;
And while they dropt a friendly tear
Said things that——but you must n't hear.
And now, methought, a wandering ghost,
You whizz'd along the Stygian coast;
And if, perchance, you gained the wherry,
And tugg'd an oar across the ferry,
That, sitting on the farther shore,
You watch'd each boatful wafted o'er,
While with impatience you attend
Th' arrival of your quondam friend;
To tell his wonder where you've been,
And what surprising things you've seen;
And, from experience wise, relate
The various politics of fate;
And shew where hoary sages stray,
And where they chance to keep their way;
Then laugh to think, how light as air,
Our blind dogmatic guesses were;
When, fancy throned and placed on high,
We sat in judgment o'er the sky.

There envy too began to rise,
To think that you were grown so wise;
That bursting from this shell of clay,
You now enjoyed eternal day;
While I was left perplex'd and blind,
In anxious ignorance behind;
Doom'd this insipid part to play
In life's dull farce another day,
That, bent with sorrows and with age,
I late might totter off the stage:
But yet my Muse, I cried, will pay
The tribute of a weeping lay:
And though the flowers strewn o'er his tomb
May boast, perhaps, a longer bloom,
The short-liv'd verse he'll still receive,
Since that is all a Muse can give.
The Muse, contented, took her place—
I solemnly composed my face,
And took the pen, prepared to write
What she sat ready to indite,
When Rumour, lo! with deaf'ning sound,
More gladsome tidings blows around,
And bids her thousand tongues to tell,
That Apjohn is alive and well!
And louder now the torrent grows,
Gathering new murmurs as it flows,
When the poor Muse, in sad affright,
Swift to Parnassus wings her flight;
But promised, ere away she fled,
That when you should indeed be dead,

She'd call again, and write a verse,
To please your friend, and grace your hearse;
Unless that I myself ere then
Should grow fatigued, and quit the scene.
And yet how short a time can live
Those honours that the Muses give—
Soon fades the monument away,
And sculptured marbles soon decay;
And every title, now defaced,
Mix with the dust which once they graced:
But if we wish a deathless name,
Let virtue hand us down to fame.
Our honours then may time defy,
Since we will have, whene'er we die,
For epitaph—a life well spent,
And mankind for a monument.
What matter then to you or me,
Though none upon our grave should see
A. W. A. or J. P. C.

William Apjohn is a name of which the world has heard nothing. He died prematurely, and "without his fame;" but had his days been lengthened, he would probably have acted a distinguished part in the history of his country. Like his friend, he had chosen the bar as the most honourable road to fortune and celebrity, and had already given a promise of such

talents for public life, that his success was looked to as undoubted. Mr. Curran never spoke of his capacity but in terms of the most respectful admiration. "Apjohn's mind," he used to say, "was, beyond exception, the most accomplished that I ever met: his abilities and attainments were so many and so rare, that if they could have been distributed among a dozen ordinary persons, the share of each would have promoted him to the rank of a man of talents."

CHAPTER II.

Mr. Curran leaves College—Enters the Middle Temple—Letter to Mr. Weston—Letter to Mr. Keller—His first attempts in Oratory fail—His own account of the failure, and of his first success—A regular attendant at Debating Clubs—Anecdotes—His Poem on Friendship—Dr. Creagh's character of him—Mr. Hudson's predictions and friendship—His early manners and habits—Subject to constitutional melancholy—Letters from London—His society in London—Anecdote of his interview with Macklin—His early application and attainments—Favourite authors—Early attachment to the Irish peasantry—His marriage—Remarks upon English law.

MR. CURRAN completed his college studies in the early part of the year 1773, having qualified himself to take a master's degree, and passed over to London, where he became a student of law in the Society of the Middle Temple. During his residence in England he wrote regularly, and at considerable length, to his friends in Ireland. A collection of these letters has been preserved, and as several of them contain a

more striking picture of his circumstances, and of many traits of individual character, than any description by another could convey, he shall in this stage of his life be occasionally made his own biographer.

The following was written immediately after his arrival in the British capital. The gentleman to whom it is addressed was a resident of Newmarket, and one of the most attached of Mr. Curran's early friends.

"London, 31, Chandos-street, July 10, 1773.

"TO HENRY WESTON, ESQ.
NEWMARKET, CO. CORK.

"I WOULD have taken a last farewell of my dear Harry from Dublin, if I had not written so shortly before I left it; and, indeed, I was not sorry for being exempt from a task for which a thousand causes conspired to make me at that juncture unqualified. It was not without regret that I could leave a country, which my birth,

education, and connexions had rendered dear to me, and venture alone, almost a child of fortune, into a land of strangers. In such moments of despondence, when fancy plays the self-tormentor, she commonly acquits herself to a miracle, and will not fail to collect in a single group the most hideous forms of anticipated misfortune. I considered myself besides as resigning for ever the little indulgences that youth and inexperience may claim for their errors, and passing to a period of life in which the best can scarce escape the rigid severity of censure; nor could the little trivial vanity of taking the reins of my own conduct alleviate the pain of so dear-bought a transition from dependence to liberty. Full of these reflections as I passed the gate, I could not but turn and take a last lingering look of poor Alma-mater; it was the scene of many a boyish folly, and of many an happy hour. I should have felt more confusion at part of the retrospect, had I not been relieved by a recollection of the valuable friendships I had formed there.

Though I am far from thinking such a circumstance can justify a passed misconduct, yet I cannot call that time totally a blank, in which one has acquired the greatest blessing of humanity. It was with a melancholy kind of exultation I counted over the number of those I loved there, while my heart gave a sigh to each name in the catalogue; nay, even the *fellows*, whom I never loved, I forgave at that moment; the parting tear blotted out every injury, and I gave them as hearty a benediction as if they had deserved it: as for my general acquaintance (for I could not but go the round), I packed their respective little sighs into one great sigh, as I turned round on my heel. My old friend and handmaid Betty, perceiving me in motion, got her hip under the *strong-box* with my seven shirts, which she had rested against the rails during the delay; and screwed up her face into a most rueful caricature, that might provoke a laugh at another time; while her young son Denny, grasping his waistband in one hand, and a basket of sea

provision in the other, took the lead in the procession, and so we journeyed on to George's Quay, where the ship was just ready to sail. When I entered, I found my fellow-passengers seated round a large table in the cabin; we were fourteen in number. A young highland lord had taken the head of the table and the conversation, and with a modesty peculiar to himself, gave a history of his travels, and his intimate connexions with the princes of the empire. An old debauched officer was complaining of the gout, while a woman, who sat next to him, (good heaven! what a tongue), gave a long detail of what her father suffered from that disorder. To do them all justice, they exerted themselves most zealously for the common entertainment. As for my part, I had nothing to say; nor if I had, was any one at leisure to listen to me; so I took possession of what the captain called a bed, wondering, with Partridge, 'how they could play so many different tunes at the same time without putting each other out.' I was expecting

that the sea-sickness would soon give those restless mouths different employment, but in that I was disappointed; the sea was so calm that one only was sick during the passage, and it was not my good fortune that the lot should fall on that devil who never ceased chattering. There was no cure but patience; accordingly, I never stirred from my tabernacle (unless to visit my basket) till we arrived at Parkgate. Here, after the usual pillage at the custom-house, I laid my box down on the beach, seated myself upon it, and, casting my eyes westward over the Welsh mountains towards Ireland, I began to reflect on the impossibility of getting back without the precarious assistance of others. Poor Jack! thought I, thou wert never till now so far from home but thou mightest return on thine own legs. Here now must thou remain, for where here canst thou expect the assistance of a friend? Whimsical as the idea was, it had power to affect me; until, at length, I was awaked from this reverie by a figure which approached me with the

utmost affability; methought his looks seemed to say, 'why is thy spirit troubled?' He pressed me to go into his house, and to 'eat of his bread,' and to 'drink of his drink.' There was so much good-natured solicitude in the invitation, 'twas irresistible. I arose, therefore, and followed him, ashamed of my uncharitable despondence. Surely, thought I, 'there is still humanity left amongst us,' as I raised my eyes to the golden letters over his door, that offered entertainment and repose to the wearied traveller. Here I resolved to stay for the night, and agreed for a place in his coach next morning to Chester, but finding my loquacious fellow passenger had agreed for one in the same vehicle, I retracted my bargain, and agreed for my box only. I perceived, however, when I arose next morning, that my box was not sent, though the coach was gone. I was thinking how I should remedy this unlucky disappointment, when my friendly host told me that he could furnish me with a chaise! Confusion light upon him! what a stroke was

this! It was not the few paltry shillings that vexed me, but to have my philanthropy, till that moment running cheerily through my veins, and to have the current turned back suddenly by the detection of his knavery! Verily, Yorick, even thy gentle spirit, so meekly accustomed to bear and forbear, would have been roused on such an occasion. I paid hastily for my entertainment, and shaking the dust from my feet at his gate, I marched with my box on my shoulder to a waggoner's at the other end of the town, where I entered it for London, and sallied forth toward Chester on foot. I was so nettled at being the dupe of my own credulity, that I was almost tempted to pass an excommunication on all mankind, and resolved never more to trust my own skill in physiognomy. Wrapt up in my speculations, I never perceived at what a rate I was striding away, till I found myself in the suburbs of Chester, quite out of breath, and completely covered with dust and dirt. From Chester I set out that evening in the stage: I slept

about four hours next day at Coventry, and the following evening, at five o'clock, was in view of near a hundred and twenty spires, that are scattered from one side of the horizon to the other, and seem almost bewildered in the mist that perpetually covers this prodigious capital. 'Twould be impossible for description to give any idea of the various objects that fill a stranger, on his first arrival, with surprise and astonishment. The magnificence of the churches, hospitals, and other public buildings, which every where present themselves, would alone be ample subject of admiration to a spectator, though he were not distracted by the gaudy display of wealth and dissipation continually shifting before his eyes in the most extravagant forms of pride and ostentation, or by a hurry of business that might make you think this the source from which life and motion are conveyed to the world beside. There are many places here not unworthy of particular inspection, but as my illness prevented me from seeing them on my first arrival, I shall suspend

my curiosity till some future time, as I am determined to apply to reading this vacation with the utmost diligence, in order to attend the courts next winter with more advantage. If I should happen to visit Ireland next summer, I shall spend a week before I go in seeing the curiosities here (the king and queen, and the lions); and, if I continue in my present mood, you will see a strange alteration in your poor friend. That cursed fever brought me down so much, and my spirits are so reduced, that, faith, I don't remember to have laughed these six weeks. Indeed, I never thought solitude could lean so heavily on me as I find it does: I rise, most commonly, in the morning between five and six, and read as much as my eyes will permit me till dinner-time; I then go out and dine, and from that till bed-time I mope about between my lodgings and the Park. For heaven's sake send me some news or other (for, surely, Newmarket cannot be barren in such things) that will teach me once more to laugh. I never received a single line

from any one since I came here! Tell me if you know any thing about Keller: I wrote twice to that gentleman without being favoured with any answer. You will give my best respects to Mrs. Aldworth and her family; to Doctor Creaghs; and don't forget my good friends Peter and Will Connel.

"Yours sincerely,

"J. P. C.

"P. S. I will cover this blank edge with intreating you to write closer than you commonly do when you sit down to answer this, and don't make me pay tenpence for a halfpenny-worth of white paper."

In a letter of nearly the same date to another friend*, he says, "By the time you receive this I shall have relapsed into the same monastic life that I led before. I do not expect, however, that it will lean so heavily on me, as I am now tolerably recovered, and shall continue to read with

* Jeremiah Keller, Esq. a member of the Irish bar.

unabated application; indeed, that is the only means of making solitude supportable; yet, it must be owned, a man of a speculative turn will find ample matter in that way without stirring from his window. It is here that every vice and folly climb to their meridian, and that mortality seems properly to understand her business. If you cast your eyes on the thousand gilded chariots that are dancing the hayes in an eternal round of foppery, you would think the world assembled to play the fool in London, unless you believe the report of the passing-bells and hearses, which would seem to intimate that they all made a point of dying here. It is amazing, that even custom should make death a matter of so much unconcern as you will here find it. Even in the house where I lodge, there has been a being dead these two days. I did not hear a word of it till this evening, though he is divided from me only by a partition. They visit him once a day, and so lock him up till the next (for they seldom bury till the seventh day), and there he lies

without the smallest attention paid to him, except a dirge each night on the Jew's-harp, which I shall not omit while he continues to be my neighbour."

It was during his attendance at the Temple that Mr. Curran made the first trial of his rhetorical powers. He frequented a debating society that was composed of his fellow-students. His first attempt was unsuccessful, and for the moment quite disheartened him. He had had from his boyhood a considerable precipitation and confusion of utterance, from which he was denominated by his school-fellows "stuttering Jack Curran." This defect he had laboured to remove, but the cure was not yet complete. From the agitation of a first effort he was unable to pronounce a syllable; and so little promise did there appear of his shining as a speaker, that his friend Apjohn said to him, "I have a high opinion of your capacity; confine yourself to the study of law, and you will to a certainty become an eminent chamber-counsel, but, depend upon it, nature never intended

you for an orator." Fortunately for his fame, this advice was disregarded: he continued to attend the above and other debating clubs, at one of which, during a discussion, some personal and irritating expressions having been levelled at him, his indignation, and along with it his talent, was roused. Forgetting all his timidity and hesitation, he rose against his assailant, and, for the first time, revealed to his hearers and to himself that style of original and impetuous oratory, which he afterwards improved into such perfection, and which now bids fair to preserve his name. He used often to entertain his friends by detailing this event of his mind's having "burst the shell." The following was the manner in which he once related it; for one of the great charms of his colloquial powers was the novelty that he could give to the same facts upon every repetition:—he adorned a favourite anecdote, as a skilful musician would a favourite air, by an endless variety of unpremeditated *ad libitum* graces.

One day after dinner, an acquaintance, in speaking of his eloquence, happened to observe that it must have been born with him. "Indeed, my dear sir," replied Mr. Curran, "it was not; it was born three and twenty years and some months after me; and, if you are satisfied to listen to a dull historian, you shall have the history of its nativity.

"When I was at the Temple, a few of us formed a little debating club—poor Apjohn, and Duhigg*, and the rest of them! they have all disappeared from the stage; but my own busy hour will soon be fretted through, and then we may meet again behind the scenes. Poor fellows! they are now at rest; but I still can see them, and the glow of honest bustle on their looks, as they arranged their little plan of honourable association (or, as Pope would say, 'gave their little senate laws,') where all the great questions in ethics and politics (there were no gagging-bills in those days)

* The late B. T. Duhigg, Esq. of the Irish bar.

were to be discussed and irrevocably settled. Upon the first night of our assembling, I attended, my foolish heart throbbing with the anticipated honour of being styled 'the learned member that opened the debate,' or 'the *very* eloquent gentleman who has just sat down.' All day the coming scene had been flitting before my fancy; and cajoling it; my ear already caught the glorious melody of 'hear him, hear him!' Already I was practising how to steal a cunning side-long glance at the tear of generous approbation bubbling in the eyes of my little auditory; never suspecting, alas! that a modern eye may have so little affinity with moisture that the finest gunpowder may be dried upon it. I stood up—the question was Catholic claims or the slave trade, I protest I now forget which, but the difference, you know, was never very obvious—my mind was stored with about a folio volume of matter, but I wanted a preface, and for want of a preface the volume was never published. I stood up, trembling through

every fibre; but remembering that in this I was but imitating Tully, I took courage, and had actually proceeded almost as far as 'Mr. Chairman,' when to my astonishment and terror, I perceived that every eye was riveted upon me. There were only six or seven present, and the little room could not have contained as many more; yet was it, to my panic-struck imagination, as if I were the central object in nature, and assembled millions were gazing upon me in breathless expectation. I became dismayed and dumb; my friends cried 'hear him!' but there was nothing to hear. My lips, indeed, went through the pantomime of articulation, but I was like the unfortunate fiddler at the fair, who upon coming to strike up the solo that was to ravish every ear, discovered that an enemy had maliciously soaped his bow; or rather like poor Punch as I once saw him, (and how many like him have I seen in our old house of commons! but it is dead, and let us not disturb its ashes) grimacing a soliloquy, of which his prompter behind had

most indiscreetly neglected to administer the words. So you see, sir, it was not born with me. However, though my friends, even Apjohn, the most sanguine of them, despaired of me, the *cacoethes loquendi* was not to be subdued without a struggle. I was for the present silenced, but I still attended our meetings with the most laudable regularity, and even ventured to accompany the others to a more ambitious theatre, the Devils of Temple Bar; where truly may I say, that many a time the Devil's own work was going forward. Here, warned by fatal experience that a man's powers may be overstrained, I at first confined myself to a simple 'ay or no,' and, by dint of practice and encouragement, brought my tongue to recite these magical elements of parliamentary eloquence with 'such sound emphasis and good discretion,' that in a fortnight's time I had completed my education for the Irish senate.

"Such was my state, the popular throb just beginning to revisit my heart, when a long expected remittance arrived from

Newmarket; Apjohn dined with me that day, and when the leg of mutton, or rather the bone, was removed, we offered up the libation of an additional glass of punch for the health and length of days (and heaven heard the prayer) of the kind mother that had remembered the necessities of her absent child. In the evening we repaired to 'the Devils.' One of them was upon his legs; a fellow of whom it was impossible to decide, whether he was most distinguished by the filth of his person or by the flippancy of his tongue; just such another as Harry Flood would have called 'the highly gifted gentleman with the dirty cravat and greasy pantaloons*.' I found this learned personage in the act of calumniating chronology by the most preposterous anachronisms, and (as I believe

* Mr. Curran here alluded to the celebrated Mr. Flood's custom of distinguishing the speakers at the London debating societies by such ludicrous descriptions of their dress, as "the eloquent friend to reform in the thread-bare coat," "the able supporter of the present ministry with the new pair of boots," &c.

I shortly after told him) traducing the illustrious dead by affecting a confidential intercourse with them, as he would with some nobleman, *his very dear friend*, behind his back, who, if present, would indignantly repel the imputation of so insulting an intimacy. He descanted upon Demosthenius, the glory of the Roman forum; spoke of Tully as the famous cotemporary and rival of Cicero; and in the short space of one half hour, transported the straits of Marathon three several times to the plains of Thermopylæ. Thinking that I had a right to know something of these matters, I looked at him with surprise; and whether it was the money in my pocket, or my classical chivalry, or most probably the supplemental tumbler of punch, that gave my face a smirk of saucy confidence, when our eyes met there was something like wager of battle in mine; upon which the erudite gentleman instantly changed his invective against antiquity into an invective against me, and concluded by a few words of friendly counsel (*horresco referens*) to 'ora-

tor mum,' who he doubted not possessed wonderful talents for eloquence, although he would recommend him to shew it in future by some more popular method than his silence. I followed his advice, and I believe not entirely without effect; for when upon sitting down, I whispered my friend, that I hoped he did not think my dirty antagonist had come 'quite clean off?' 'On the contrary, my dear fellow,' said he, 'every one around me is declaring that it is the first time they ever saw him so well dressed.' So, sir, you see that to try the bird, the spur must touch his blood. Yet, after all, if it had not been for the inspiration of the punch, I might have continued a mute to this hour; so for the honour of the art, let us have another glass."

The speech which Mr. Curran made upon this occasion was immediately followed by a more substantial reward than the applauses of his hearers; the debate was no sooner closed than the *president* of the society despatched his *secretary* to the

eloquent stranger, to solicit the honour of his company to partake of a *cold collation;* which proved to consist of bread and cheese and porter; but the public motives of the invitation, rendered it to the guest the most delicious supper that he had ever tasted.

From this time till his final departure from London, he was a regular attendant and speaker at debating clubs; an exercise which he always strongly recommended to every student of eloquence, and to which he attributed much of his own skill and facility in extemporaneous debate. He never adopted or approved of the practice of committing to memory intended speeches, but he was in the habit of assisting his mind with ample notes of the leading topics, and trusted to the occasion for expression.

The society that he latterly most frequented was the well-known Robin Hood. He also sometimes attended a meeting for the discussion of religious questions, which was held on Sunday evenings, at the Brown

Bear in the Strand, and resorted to by persons of every persuasion, and by many who were "honorary members of all faiths." Whenever the claims of the Roman Catholics were the subject of debate, he uniformly supported them. From his zeal in their cause, and from his dress, (a brown surtout over black) he was supposed by strangers to be a young priest of that order, and was known in the club by the name of "the little Jesuit from St. Omers *."

Among Mr. Curran's juvenile productions, was a poem of some length, written whilst

* The same zeal for the emancipation of the Roman Catholics which distinguished him for the rest of his life, produced similar mistakes among strangers upon the subject of his religion. When he was at Paris in 1814, he accompanied some friends to see Cardinal Fesch's gallery of paintings. The Frenchman in attendance there was a good deal struck by Mr. Curran's observations, and upon the latter's retiring before the others, asked with some curiosity who he was. As soon as he heard his name, "Ah! (said he, with great surprise) je voyois bien qu'il avoit beaucoup d'esprit, mais, mon Dieu! je n'aurois jamais soupçonné que ce petit monsieur fut *le grand Catholique Irlandois.*"

he was at the Temple; it is entitled, "On Friendship," and addressed to Mr. Weston of Newmarket. When we consider the character of Mr. Curran's oratory, to which an excess of fervor and imagination has been by some imputed as its imperfection, we should naturally expect to see those qualities predominating when he found himself engaged in subjects to which they so peculiarly belong; but this is not the case. From his youth to his old age he was fond of writing poetry, and produced a considerable quantity; but in little of it do we meet with that sustained ardour, with those fearless conceptions, and that diction teeming with imagery, which distinguish his other productions. When he occupied himself with poetry, he appears to have considered it rather as a recreation to soothe himself, than as a means of exciting others. With the exception of a very few instances, (which however prove his poetic capacity, had he anxiously cultivated it) his verses are in general placid, familiar, and unaspiring, seldom venturing

beyond expressions of established form, and for the most part contented with those sentiments of obvious tenderness to which no mind of any sensibility is a stranger. The opening of the poem on Friendship is here inserted, for the sake of the concluding image, which the late Mr. Fox, (among others) particularly admired.

Here, on these banks, where many a bard has sung,
While Thames in listening silence flow'd along,
Where friendship's flame inspir'd the glowing verse,
To hail the triumph, or to mourn the hearse;
On the same spot where weeping Thomson paid
The last sad tribute to his Talbot's shade,
An humbler muse, by fond remembrance led,
Bewails the absent, where he mourn'd the dead.
Nor differ much the subjects of the strain,
Whether of death or distance we complain;
Whether we're sunder'd by the final scene,
Or envious seas disjoining roll between;
Absence, the dire effect, is still the same,
And death and distance differ but in name:
Yet sure they're different, if the peaceful grave
From haunting thoughts the low-laid tenant save,
While in this breathing death reflection lives,
And o'er the wreck of happiness survives.
Alas! my friend, were Providence inclin'd
(In unrelenting wrath to human kind)

To take back every blessing that she gave,
From the wide ruin, she would memory save,
Else would severest ills be soon o'erpast,
Or kind oblivion bury them at last:
But Memory, with more than Egypt's art,
Embalming every grief that wounds the heart,
Sits at the altar she hath rais'd to Woe,
And feeds the source whence tears for ever flow.

In the course of this poem allusions are made to the writer's future career in public life; and those who have not yet learned to sneer at the mention of political integrity will be gratified to observe how completely in the present instance the visions of the poet were realized by the subsequent conduct of the man.

But in his country's cause, if patriot zeal
Excite him, ardent for the public weal,
With generous warmth to stem corruption's rage,
And prop the fall of an abandon'd age,
Bold in the senate he confronts the band
Of willing slaves that sell their native land;
And, when the mitred hireling would persuade
That chains for man by Heaven's high will were made,
Or hoary jurist, in perversion wise,
Would sap the laws, and on their ruin rise,

While the mute 'squire and star-enamour'd beau
Are base in all they can—an "ay" or "no!"
With equal scorn he views the venal train,
And sordid bribe that such a tribe can gain.

And a little further on;

But if oppression lord it o'er the land,
And force alone can lawless force withstand,
Fearless he follows where his country calls,
And lives with freedom, or with glory falls;
He gives that shackle he disdains to wear,
For endless fame, nor thinks the purchase dear.

This may not be very good poetry, but it evinces, what is more honourable to the writer, and what was in those days of more value to Ireland than good poetry, an indignant sense of her condition, and an impatience to redress it. It will hereafter appear how far he fulfilled the engagements of his youth.

From the above and similar productions*, and from the indications of talent

* During the two years that preceded his admission to the bar, he wrote, besides the poem on Friendship, "Lines upon visiting the Cave of Pope," and Lines upon

that his ordinary conversation afforded, great hopes were now entertained of him. According to all the accounts of those who knew him at this time, his colloquial powers were even then of a very high order. Having no hereditary fortune or powerful connexions on which to depend, and having embraced an ambitious and hazardous profession, where, without the reputation of superior ability, there was little prospect of success; he appears to have habitually exerted himself upon every occasion to substantiate his claims, and justify his choice. The following judgment was passed upon him at this period by his future father-in-law, Dr. Richard Creagh, of Newmarket, a scholar and a man of cultivated taste, whose prediction, in the present instance, has been

the poisoning a stream at Frenchoy, (where he had been driven by foul winds in one of his passages from England to Ireland), which he composed for the purpose of expressing his gratitude to a family of that place, who had given him a very hospitable reception.

so completely verified. After mentioning, in one of his letters, the future ornament of the Irish bar, as "a young man of this town, (one Jack Curran)," he proceeds, "take his character from me. He possesses a good understanding; is an excellent scholar; has some taste, and, for his years, I think, a tolerable judgment; has uncommon abilities; is a proficient in music; has received an university education; is now preparing for the bar, for which profession he possesses extraordinary talents, and will disappoint all his friends if he does not distinguish himself there. As far as I can observe, he seems to be extremely cheerful and good-natured, and is remarkably pleasant in conversation*."

Doctor Creagh was a physician, and a member of the very respectable family of that name in the county of Cork. Much of the earlier part of his life had been passed on the continent, where he had mixed in the society of the most celebrated men of talent; but he used often to declare, that, neither abroad nor at home, had he ever met so delightful a companion, as "young Jack Curran;" yet, the conversation of the latter was not, at this time, what it

In a letter of about the same date, from one of Mr. Curran's earliest friends, Mr. Hudson*, we find similar expectations prevail: alluding to the melancholy that ran through a letter he had just received from the other, he says,—" Consider now and then, Jack, what you are destined for; and never, even in your distresses, draw consolation from so mean a thought, as that your abilities may one day render

subsequently became. It was full of vivacity and of anecdotes, to which he could give an extraordinary degree of dramatic effect; but it had not, as at a later period, those incessant and magical transitions from the most comic trains of thought to the deepest pathos, which were for ever bringing a tear into the eye, before the smile was off the lip; nor that surprising control over all the mysteries of language, which he acquired by his subsequent habits of extemporaneous speaking.

Dr. Creagh was a determined Whig, and had (no doubt) an influence in confirming the political inclinations of his son-in-law. It was also from Dr. Creagh, who had spent several years in France, and was an excellent French scholar, that Mr. Curran derived much of his early taste for the language and literature of that country.

* Mr. Edward Hudson, for a long course of years the most eminent dentist in Ireland.

your circumstances easy or affluent; but that you may one day have it in your power to do justice to the wronged—to wipe the tear from the widow or orphan, will afford the satisfaction that is worthy of a man."

It would be injustice to suppress another passage. Having a little before chided his friend for neglecting to inform him of the state of his finances, Mr. Hudson goes on, "I think I shall be a man of no small fame to-morrow or next day, and though 'tis but the fame of a dentist, yet if that of an honest man is added to it, I shall not be unhappy. Write speedily to me, and if you are in want, think I shall be not satisfied with my fortunes—believe me I shall never think I make a better use of my possessions than when such a friend as Jack can assist me in their uses." The amiable and respectable writer of the above still lives, and if the union of the two characters, to which in his youth he aspired, could confer happiness, he has been completely happy.

Many other proofs might be added (were it necessary) to shew that Mr. Curran was, even at this period, considered as much more than an ordinary man; that he had already obtained a very high degree of estimation in the opinions of every person of discernment who knew him. To be regarded as an object of admiration and of hope by the immediate circle of his friends, is, indeed, no more than happens to every young man of any intellectual pretensions; but to Mr. Curran's honour it should not be overlooked, that the friends who entertained such sentiments towards him were, all of them, those whose zeal and approbation he had won for himself by his own character and talents; nor was a mere general respect for the latter the only feeling that united them with him—they all appear to have been animated by the most anxious and affectionate attachment to his person. Their letters to him abound with expressions of more than usual endearment, with offers of pecuniary supplies, and many other unequivocal de-

monstrations of the extreme value in which they held him. At this period of his life he used to pass considerable intervals of time at his native village, where he always entered, with the most good natured vivacity, into all the little parties and interests of the place. He, whose lofty and independent spirit was a few years after to bring upon him the charge of "lecturing the privy council*," was in his social intercourse so little fastidious or assuming, that he could find abundant amusement among the harmless wits and politicians of an obscure little town. Nor were these mere temporary feelings, adopted for convenience, and as evanescent as the occasions that excited them—all his impulses were intensely social, and, whether present or absent, his heart was still in the midst of the friends and companions that he loved. His letters from the Temple abound with proofs of these amiable propensities; in none of them is the New-

* An expression of Lord Clare's.—The whole scene is given hereafter.

market circle omitted; he dedicates a portion of every day to thinking of them, and of every letter to inquiries after their health and fortunes. This unpretending facility of manners, showing how little natural the alliance between superiority of intellect and austereness of demeanour, continued ever after prominent in his character; and from the event we may learn that such cheerful, conciliating, and sympathising habits are the surest road to lasting friendships. Of these few persons ever enjoyed more—the greater number have gone where he has followed—still a few, and among them some of his earliest friends, survive; and it is no less honourable to their constancy than to his memory, that the same men, who, more than forty years ago, were cheering his efforts, and admitting him to their affections, are at this day, with unabated ardour, mourning his loss and cherishing his fame.

The despondency which Mr. Curran's generous correspondent has just been seen

so anxious to alleviate was not merely casual. Notwithstanding the liveliness of his conversation, from which a stranger would have supposed that his spirits never knew depression, he was all his life subject to visitations of constitutional melancholy, which the most ordinary accidents excited and embittered; even at this early time it may be observed constantly breaking out in his communications to his friends. After having passed the long vacation of 1774 with his family in Ireland, he thus writes to one of them upon his return to London.

"Apjohn and I arrived in London about eight o'clock on Thursday. When I was set down, and threw myself into a box in the next coffee-house to me, I think I never felt so strangely in my life. The struggle it cost me to leave Ireland, and the pain of leaving it as I did, had been hurried into a sort of numbness by the exertion of such an effort, and a certain exclusion of thought, which is often the consequence of a strong agitation of mind:

the hurry also of the journey might in some measure have contributed to sooth for a moment these uneasy sensations. But the exertion was now over, the hurry was past; the barriers between me and reflection now gave way, and left me to be overwhelmed in the torrent: all the difficulties I had encountered, the happy moments I had lately passed, all now rushed in upon my mind, in melancholy succession, and engrossed the pang in their turn.

Revolving in his alter'd soul
The various turns of chance below,
And now and then a sigh he stole,
And tears began to flow.

"At length I roused myself from this mournful reverie, and after writing a few words to Newmarket, set out in search of some of my old acquaintance. I sought them sorrowing, but there was not even one to be found; they had either changed their abodes, or were in the country. How trivial a vexation can wound a mind that is once depressed! Even this little disap-

pointment, though it was of no consequence, though it could not surprise me, yet had the power to afflict me, at least to add to my other mortifications. I could not help being grieved at considering how much more important changes may happen even in a shorter time; how the dearest hopes and most favourite projects of the heart may flourish, and flatter us with gaudy expectations for a moment, and then, suddenly disappearing, leave us to lament over our wretchedness and our credulity. Pleased with the novelty of the world, we fasten eagerly on the bauble, till satiated with enjoyment, or disgusted with disappointment, we resign it with contempt. The world in general follows our example, and we are soon thrown aside, like baubles, in our turn. And yet, dreary as the prospect is, it is no small consolation to be attached to, and to be assured of the attachment of some worthy affectionate souls, where we may find a friendly refuge from the rigours of our destiny; to have even one congenial bosom on which the

poor afflicted spirit may repose, which will feelingly participate our joys or our sorrows, and with equal readiness catch pleasure from our successes, or strive to alleviate the anguish of disappointment."

In another letter, written a few weeks after, the same unfortunate sensibility is more strikingly exemplified, and more vigorously expressed. In one passage we clearly recognise the peculiarities of his subsequent style.

"I this day left my lodgings; the people were so very unruly that I could stay no longer: I am now at No. 4, in St. Martin's-street, Leicester-fields, not far from my former residence. You will perhaps smile at the weakness, yet I must confess it; never did I feel myself so spiritless, so woe-begone, as when I was preparing for the removal. I had settled myself with an expectation of remaining till I should finally depart for Ireland; I was now leaving it before that period, and my spirits sunk into a mixture of peevishness and despondence at the disappointment. I

had emptied the desk belonging to the lodgings of my few moveables, which I collected in a heap on the floor, and prepared to dispose of in my little trunk. Good heavens! in how many various parts, and by how many various ways may the poor human heart be wounded! Is it that even Philosophy cannot so completely plunge her children in the waters of wisdom, that an heel, at least, will not be left vulnerable, and exposed to the danger of an arrow? Is the fable equally applicable to the mind as to the body? And is all our firmness and intrepidity founded ultimately on our weakness and our foibles? May all our giant fortitude be so lulled into slumber, as, ere it awakes, to be chained to the ground by a few Lilliputian grievances, and held immoveably by such slender fetters? Why else shall we be unaccountably depressed? To leave the friends of my heart, to tear myself from their last affecting farewell, to turn my face to a distant region, separated from them by mountains and oceans and tempest,—to endure all this

with something like calmness, and yet to feel pain at changing from one street to another! Strange inconsistence! and yet so it was. I proceeded very slowly to fill the trunk. I could not please myself in the packing. Some letters now presented themselves; I could not put them in without reading. At length I made an end of the work, and fell into another reverie. I called to mind my first acquaintance with my little trunk; I industriously hunted my memory for every thing that any way related to it, and gave my recollection a great deal of credit for being so successful in making me miserable. At length I got it behind Tom Gess, and saw poor Tom edging forward to avoid its jolting, and longing to be relieved from his durance. I saw it embark: over how many billows was it wafted, from Cork to Bristol, over how many miles from Bristol to London! And how small a portion of that distance must it measure back to-day! And must I be equally slow in my return? With such sensations I left Mrs. Turner's, perhaps

as completely miserable as any man in London."

Of some of his occupations he gives the following account.

"As to my amusements, they are very few. Since I wrote last, I went to one play. I commonly spend even more time at home, than I can employ in reading of an improving or amusing kind*. As I live near the Park, I walk there some time every day. I sometimes find entertainment in visiting the diversity of eating places with which this town abounds. Here every coal-porter is a politician, and vends his maxims in public with all the importance of a man who thinks he is exerting himself for the public service: he claims the privilege of looking as wise as

* Mr. Curran's cotemporaries at the Temple have confirmed his own account of his habits at that period. He rose very early, studied till he was exhausted, and then went out in search of his fellow students, with whom he passed the interval till the evening, when they all generally repaired to any debating society that was open. During his second year at the Temple, he spent a considerable portion of his time in the courts of law.

possible, and of talking as loud, of damning the ministry, and abusing the king, with less reserve than he would his own equal. Yet, little as these poor people understand of the liberty they contend so warmly for, or of the measures they rail against, it reconciles one to their absurdity, by considering that they are happy at so small an expense as being ridiculous; and they certainly receive more pleasure from the power of abusing, than they would from the reformation of what they condemn. I take the more satisfaction in this kind of company, as while it diverts me, it has the additional recommendation of reconciling economy with amusement.

"Another portion of time I have set apart every day for thinking of my absent friends. Though this is a duty that does not give much trouble to many, I have been obliged to confine it, or endeavour to confine it, within proper bounds: I have therefore made a resolution to avoid any reflections of this sort, except in their allotted season, that is, immediately after

dinner. I am then in a tranquil, happy humour, and I increase that happiness by presenting to my fancy those I love in the most advantageous point of view: so that however severely I treat them when they intrude in the morning, I make them ample amends in the evening; I then assure myself that they are twice as agreeable, and as wise and as good as they really are."

The conclusion of this letter shall be given, if not for the sake of the incidents, at least to shew the writer's sensibility to any pathetic occurrence that fell in his way.

"I have lately made two acquaintances; one a Frenchman, Dr. Du Garreau; the other is a German, Mr. Skell, for whom I am indebted to the doctor. With this latter I am not yet much acquainted; the former is really a man of understanding, and I believe of worth: he is the son of an advocate in Paris; and practised there himself as a physician for some time. He had conceived an affection for a lady with

whom the difference of their religion prevented his union at home; but, alas! I believe love is of no particular sect; at least so the lady seemed to think, for she quitted France with him, and took his honour as the security for his adhering to a ceremony performed between them in Holland. After three or four years residence in Amsterdam, where I suppose his practice was not considerable, he brought his wife and child to England last November. She survived the journey but a few weeks, and left the poor man surrounded by every distress. His friends have pressed him to return; but he is determined at all events to remain in England, rather than carry his daughter to a country where she would not be considered as legitimate. Rouelle had hinted to me that there was something singular in his fortune, but I did not know the particulars till a few days since, that I breakfasted with him. He had taken his little child on his knee, and after trifling with her for a few moments, burst into tears. Such an emotion could not but excite, as

well as justify, some share of curiosity. The poor doctor looked as if he were conscious I felt for him, and his heart was too full to conceal its affliction. He kissed his little orphan, as he called her, and then endeavoured to acquaint me with the lamentable detail. It was the hardest story in the world to be told by a man of delicacy. He felt all the difficulties of it; he had many things to palliate, some that wanted to be justified: he seemed fully sensible of this, yet checked himself when he slided into any thing like defence. I could perceive the conflict shifting the colours on his cheek, and I could not but pity him and admire him for such an embarrassment. Yet, notwithstanding all his distresses, he sometimes assumes all the gaiety of a Frenchman, and is a very entertaining fellow. These are the occasions on which we are almost justified in repining at the want of affluence; to relieve such an heart from part of its affliction, surely for such a purpose it is not ambitious to wish for riches."

One more of his letters in this year shall be introduced as characteristic of his mind. The person to whom it is addressed, a gentleman of the most amiable and respected character, has survived the writer, but his name is at his own request reluctantly omitted. The friendship of which the commencement of this letter contains a proof continued without diminution to the day of Mr. Curran's death.

"MY DEAR DICK,

"YOUR packet was one of the most seasonable, on every account. As I think I mentioned to you when I should repay this kindness, in my last, I need not repeat it here. I hope you don't expect any news from me; if you did, I would be under a necessity of disappointing you. Unfortunately I have no gratification in seeing high houses or tall steeples, no ear to be ravished by barrel-organs, no public anxiety or private importance by which vanity might lay hold on me, no fine clothes, no abundance of money, to recom-

mend me to the deity of pleasure. What then can a poor devil like me either see or hear that is worth communicating to a friend? In truth, I think I am nearly the same man I ever was; affecting to look wise, and to talk wise, and exhausting most lavishly on looking and talking, the wisdom that a better economist would reserve for acting. And yet, Dick, perhaps this is natural; perhaps we are mistaken when we wonder at finding frugality, or even avarice, on such good terms with affluence, and extravagance inseparable from poverty. In both cases they are effects that flow naturally from their causes. They are the genuine issue of their respective parents; who, to own the truth, cherish and preserve their offspring with a care truly parental, and unfailingly successful. 'Tis just so in wisdom, and on the same principle the man who has but a very small share of wisdom, (like him whose purse is equally shallow) squanders it away on every silly occasion; he thinks it too trifling to be worth hoarding against

emergencies of moment: but a very wise man, or a very rich man, acts in a manner diametrically opposite to this. When the one has ranged his sentiments and marshalled his maxims, and the other computed his tens of thousands, the symmetry of their labours would be destroyed should a single dogma escape to the banners of unwiseness, or a single guinea take its flight to supply an extravagance. Each atom of the aggregate is held fast by its gravitation to the whole mass: hence the fool is prodigal of his little wisdom, and the sixpence departs in peace from the pocket where it is not troubled with the ceremony of bidding adieu to another. If any chance should make me master of some enormous treasure, I would not despair of finding out its value; and if experience, and the industry of my own folly, shall reap a harvest of prudence, I will make you wonder at my care in drying it for use. I will regale myself in my old age with the spirit of it, and dispense the small tea to those who may have occasion for it."

During Mr. Curran's attendance at the Temple, the society in which he mixed was almost exclusively that of his Irish fellow-students. He was at that time too unknown to have access to the circles of literature or fashion, and it was perhaps fortunate for him that his obscurity saved him from those scenes, where he might have contracted the dangerous ambition of soaring when he should have been learning to fly. Of the celebrated persons then in London, he used to mention that he had seen Goldsmith once at a coffee-house, Garrick, (whom he recollected with enthusiasm) two or three times upon the stage, and Lord Mansfield, whose dignified appearance made a very solemn impression upon him, upon the bench. The only man of any eminence that he came into personal contact with was Macklin, the actor, and the origin of their acquaintance was rather singular.

After Mr. Curran had concluded his terms, he was detained for some time in London in expectation of a remittance

from Ireland, without which he could neither discharge his arrears at his lodgings, nor return to his own country. At length, just as his purse had attained "the last stage of inanition," he received a bill of exchange upon a banking-house in Lombard-street: without stopping to examine the bill minutely, he flew to present it; but the banker soon discovered that a necessary indorsement was omitted, and of course refused to pay it. Of the scene upon this occasion, as it took place across the counter, his own consternation at the dreadful tidings, and the banker's insensibility to his distress, his solemn and repeated protestations that the bill came from a *most* respectable merchant in the butter trade at Cork, and the wary citizen's marked distrust of all that was Irish, Mr. Curran used to give a most dramatic and ludicrous description. Having left the banker's, and being without a shilling in his pocket, he strolled into St. James's Park, where he remained during his usual dinner hour, considering the means of re-

lieving himself from his present necessity; but after long reflection, he could only come to one certain conclusion, that the misfortune could never have happened more inopportunely, every one of his Irish friends, to whom alone he could have applied, having quitted London, leaving him behind, awaiting this remittance.

As he sat upon one of the benches, exhausted with devising expedients, he began to whistle a melancholy old Irish air; an old gentleman seated at the other end, (it was Macklin) started at the well-known sounds.

"Pray, sir," said the stranger, "may I venture to ask where you learned that tune?"

"Indeed, sir," replied the whistler, in the meek and courteous tone of a spirit which affliction had softened, "indeed you may, sir; I learned it in my native country, in Ireland."

"But how comes it, sir, that at this hour, while other people are dining, you continue here, whistling old Irish airs?"

"Alas! sir, I too have been in the habit of dining of late, but to-day, my money being all gone, and my credit not yet arrived, I am even forced to come and dine upon a whistle in the park."

Struck by the mingled despondence and playfulness of this confession, the benevolent veteran exclaimed, "Courage, young man! I think I can see that you deserve better fare; come along with me, and you shall have it."

About ten years after this interview Macklin came to Dublin: Mr. Curran, who in the interval had risen to eminence, was invited one evening to a party where the actor was one of the company; they were presented to each other, but Macklin failed to recognize in the now celebrated advocate and orator, the distressed student in St. James's Park. Mr. Curran, perceiving this, abstained for the moment from claiming any acquaintance; but he contrived in a little time to introduce a conversation upon the acts of kindness and hospitality which Irishmen so generally re-

ceive abroad from such of their countrymen as they may chance to meet; as a proof of which, he began to relate what had happened to himself, and proceeded to give a vivid picture of the scene, and (suppressing the name) of the generous old man who had befriended him in a land of strangers. A glow of recollection was soon observed upon the player's countenance; he started, and fixing his eyes upon the speaker, "If my memory fails me not, sir," said he, "we have met before?" "Yes, Mr. Macklin," replied Mr. Curran, taking his hand, "indeed we have met; and though upon that occasion you were only performing upon a private theatre, let me assure you, that (to adopt the words of a high judicial personage, which you have heard before) *you never acted better**."

* These words were addressed from the bench by Lord Mansfield to Mr. Macklin, to mark his approbation of the liberal conduct of the latter in a cause to which he was a party, and which was tried before his lordship in 1774. The proceedings in that interesting case are given at length in Kirkman's Life of Macklin.

Before dismissing this period of Mr. Curran's history, a few words may be added upon the subject of the studies and intellectual habits of his early days; for in consequence of his not having devoted much time in his latter years to books, and still more from the great predominance of imagination over learning to be observed in all the productions of his mind, an opinion has generally prevailed that his reading was extremely circumscribed, and that he was from taste or by constitution intolerant of any regular application. If such were the fact, notwithstanding the danger of the example, it still would not be denied; the indolent should have all the benefit or all the mischief of such a precedent; but, in truth, Mr. Curran never was a mere gifted idler. He might not, indeed, have been always found with a book before him, he might not have been nominally a severe student, but for the course of forty years he kept his faculties in perpetual exercise; and if all that he created in public, or in the society of his

friends, had been composed in the retirement of the closet, it would have scarcely been asserted that idleness was the habit of his mind.

In his youth he was a formal student, to a greater extent than is generally supposed. Before he had attained the age of twenty-five, when he was called to the bar, independent of his classical acquirements, which have never been doubted, his acquaintance with general literature was far from inconsiderable; he was perfectly familiar with all the most popular of the English poets, historians, and speculative writers. He had at the same age, with little assistance but that of books, acquired more than a common knowledge of the French language. If he did not pursue a long consecutive course of legal reading, he was yet perpetually making a vigorous plunge, from which he seldom returned without some proof that he had reached the bottom. For several years after his admission to the bar, he devoted more of his mornings and evenings to the study

of his profession than his most intimate friends at the time could have believed to be compatible with his convivial habits and public avocations. His frame was never robust, but it was extremely patient of fatigue; and no matter how great the exhaustion of the day, or the evening, a very few hours sleep completely restored it; this natural felicity of constitution he confirmed by early rising, constant exercise, the daily practice of cold bathing, and similar methods of invigorating the system.

Indeed when it is recollected that Mr. Curran, at the period of his life at present under consideration, was looking to the bar alone for the means of future subsistence, and for the gratification of his ambition, it is utterly incredible that he should have neglected the ordinary arts by which success was to be attained. According to the concurring accounts given by himself and his cotemporaries, he neglected none of them. Eloquence was at that time not only the most popular, but one of the shortest roads to eminence at the Irish bar;

and from the moment of the discovery of his powers as a speaker, he began, and continued, to cultivate them with the utmost assiduity. His enunciation (as has been already observed) was naturally impeded, his voice shrill, and his accent strongly provincial, or (to use his own expression) "in a state of nature;" to remove these defects, he adopted the practice of daily reading aloud, slowly and distinctly, and of most studiously observing and imitating the tones and manner of more skilful speakers. The success of this exercise and study was so complete, that among his most unrivalled excellencies as an orator, were the clearness of his articulation, and a peculiar, uninterrupted, graduated intonation; which, whatever was the subject, whether tender or impassioned, melodised every period. His person was without dignity or grace—short, slender, and inelegantly proportioned. To attain an action, that might conceal as much as possible these deficiencies, he recited perpetually before a mirror, and selected the

gesticulation that he thought best adapted to his imperfect stature. To habituate his mind to extemporaneous fluency, he not only regularly attended the debating clubs of London, but, both before and after his admission to the bar, resorted to a system of solitary exercise, of which the irksomeness cannot be well appreciated by those who have never practised it. He either extracted a case from his books, or proposed to himself some original question; and this he used to debate alone, with the same anxious attention to argument and to diction, as if he were discussing it in open court. There is nothing in all this to excite any wonder; but certainly the person who early submitted to these modes of labour, and frequently resumed them, cannot be considered as careless or incapable of application.

It may be a matter of curiosity with some, to know the writers, that, having been Mr. Curran's early favourites, may be supposed to have had an influence in forming his style. Some of his letters,

already given, discover in different passages a preference for the manner of Sterne; a similar resemblance appears more frequently, and more strongly, in several others of about the same date, which have not been introduced. It was from the "Letters of Junius," that he generally declaimed before a glass*. Junius and Lord Bolingbroke were the English prose writers, whom he at that time studied as the most perfect models of the declamatory style. Among the English poets, he was passionately fond of "Thomson's Seasons." He often selected exercises of delivery from "Paradise Lost," which he then admired, but subsequently (and it is

* The single exercise that he most frequently repeated for the purpose of improving his action and intonation, was the speech of Antony over Cæsar's body, from Shakespeare's Julius Cæsar. This he considered to be a master-piece of eloquence, comprising in itself, and involving in its delivery, the whole compass of the art. He studied it incessantly, and pronounced it with great skill, but though he delighted his auditors, he never entirely satisfied himself; he uniformly recommended it as a lesson to his *young friends at the bar*.

hoped that few will attempt to justify the change), his sensibility to the beauties of that noble poem greatly subsided*. In this list, the sacred writings must not be omitted; independent of their more solemn titles to his respect, Mr. Curran was from his childhood exquisitely alive to their mere literary excellencies; and in his maturer years seldom failed to resort to them, as to a source of the most splendid and awful topics of persuasion†.

* In criticising Milton, Mr. Curran always dwelt upon what others have considered among the most splendid and attractive parts of his work, the scenes in Paradise; in objecting to which, he contended that the human characters introduced are detached and solitary beings, whose peculiar situation precluded them from displaying the various social feelings and passions, which are the proper subjects of poetic emotion. For a vigorous and eloquent answer to this objection, see Hazlitt's observations on Paradise Lost, in his Lectures upon the English Poets.

† Of all the profane writers, Virgil, whom he considered "the prince of sensitive poets," was his favourite. For a considerable part of his life, he made it a rule to read Homer once a year; but the more congenial tenderness of Virgil attracted him every day.

Before quitting the subject of Mr. Curran's youthful habits, it is proper to mention the pleasure that he took in occasionally mingling in the society of the lower orders of his countrymen; he was a frequent attendant at the weddings and wakes in his neighbourhood. Being from his infancy familiar with the native Irish language, he lost nothing of whatever interest such meetings could afford. They appear to have had considerable influence on his mind; he used to say himself, that he derived his first notions of poetry and eloquence from the compositions of the hired mourner over the dead*. It was probably

* It may be necessary to inform some English readers, that the practice of formal lamentations over the dead is one of the ancient customs of the Irish, which is continued among the lower orders to the present day. In the last century, it was not unusual upon the death of persons of the highest condition. The ceremony is generally performed by women, who receive a remuneration for composing and reciting a "Coronach" at the wake of the departed. In some parts of Ireland, these women used formerly to go about the country, to "look in" upon such elderly persons as might soon require their attend-

amidst those scenes that he acquired the rudiments of that thorough knowledge of the Irish character, of which he afterwards made so amusing an use in enlivening a company, and so important a one in confounding a perjured witness. It may have been too in this humble intercourse that some even of his finer tastes and feelings originated or were confirmed. Out of Ireland the genius of its natives is in general but partly known. They are, for the most part, represented as comical and impetuous, qualities which, lying upon the surface, strike the stranger and superficial observer; but with these they unite the deepest sensibility. It is

ance; and to remind them, that whenever the hour might arrive, a noble Coronach should be ready. Mr. Curran's father-in-law, Dr. Creagh, was so molested by one of these dispiriting visitors, and had such an aversion to the usage, that in the first will he ever made he thus begins, after the usual preamble, "requesting it as a favour of my executors, that, neither at my wake, nor at my funeral, they will suffer any of the savage howlings, and insincere lamentations, that are usually practised upon these serious and melancholy occasions, but to see the whole of my burial conducted with silence and christian decency."

the latter that prevails; and if their pathetic sayings had been as sedulously recorded as their lively sallies, it would be seen that they can be as eloquent in their lamentations as they are original in their humour. Of these almost national peculiarities, so opposite, yet so constantly associated, Mr. Curran's mind strongly partook; and in his, as in his country's character, melancholy predominated. In his earliest, as well as his latest speculations, he inclined to take a desponding view of human affairs—he appeared, indeed, more frequently in smiles to relax his mind, or to entertain his companions; but when left entirely to his original propensities, he seems to have ever wept from choice.

One conjecture more shall be hazarded, and so pleasing a one, that few can wish it to be unfounded. It was probably from this early intercourse with the peasantry of his country, and from the consequent conviction of their unmerited degradation, that sprang that unaffected soul-felt sympathy for their condition, so conspicuous in Mr.

Curran's political career. Upon this subject it was evident that his heart was deeply involved. From them, notwithstanding much temptation and many dangers, his affections never wavered for an instant. From the first dawn of political obligation upon his mind to his latest hour (an interval of more than half a century), he never thought or spoke of them but with tenderness, and pity, and indignation. At the bar, in the senate*, on the bench, amidst his family and friends, or in the society of the most illustrious personages of the empire, the sufferings of the Irish peasant were remembered, and their cause pleaded with an energy and reality that proved how well he knew, and how deeply he felt

* Upon one occasion, alluding in parliament to the general apathy of the ministry to the condition of the great body of the Irish people, he observed, "I am sorry to see that the rays of the honourable member's panegyric were not vertical; like the beams of the morning, they courted the mountain-tops, and left the valleys unilluminated—they fell only upon the great, while the miserable poor were left in the shade."—*Debates in Irish House of Commons*, 1787.

for, that class whose calamities he deplored. "At any time of my life," said he, "I might, to a certain degree, as well as others, have tied up my countrymen in bundles, and sold them at the filthy market of corruption, and have raised myself to wealth and station, and remorse—to the envy of the foolish, and the contempt of the wise: but I thought it more becoming to remain below among them, to mourn over and console them; or, where my duty called upon me, to reprimand and rebuke them, when they were acting against themselves."

In some of the published accounts of Mr. Curran's life it has been stated, that when at the Temple, and afterwards while struggling into notice at the bar, he derived part of his subsistence from contributions to literary works; but for this there is no foundation. During the first year of his residence in London his means were supplied partly by his relatives in Ireland, and partly by some of his more affluent companions, who considered his talents a sufficient security for their advances. In the

second year he married a daughter of the Doctor Creagh already mentioned; her portion was not considerable, but it was so carefully managed, and his success at the bar was so rapid, that he was ever after a stranger to pecuniary difficulties.

It may, too, be here observed, that had he been originally more favoured by fortune, his prospect of distinguished success in his profession might not have been so great. There is, perhaps, fully as much truth as humour in the assertion of an English judge, that a barrister's first requisite for attaining eminence is "*not to be worth a shilling**." The attractions of the bar, when viewed from a distance, will dazzle and seduce for a while. To a young and generous spirit it seems, no doubt, a proud thing to mix in a scene where merit and talent alone are

* The learned judge alluded to, upon being asked "What conduced most to a barrister's success?" is said to have replied, "that barristers succeeded by many methods; some by great talents, some by high connexions, some by a miracle, but the *majority by commencing without a shilling*."

honoured, where he can emulate the example, and perhaps reach the distinctions of our Hales, and Holts, and Mansfields. But all this fancied loveliness of the prospect vanishes the moment you approach and attempt to ascend. As a calling, the bar is perhaps the most difficult, and after the first glow of enthusiasm has gone by, the most repelling. To say nothing of the violence of the competition, which alone renders it the most hazardous of professions, the intellectual labour and the unintellectual drudgery that it involves, are such as few have the capacity, or, without the strongest incitements, the patience to endure. To an active and philosophic mind the mere art of reasoning, the simple perception of relations, whatever the subject matter may be, is an exercise in which a mind so constituted may delight; but to such a one the study of the law has but little to offer. If the body of English law be a scientific system, it is a long time a secret to the student: it has few immutable truths, few master-maxims, few regular

series of necessary and nicely adapted inferences. In vain will the student look for a few general principles, to whose friendly guidance he may trust, to conduct him unerringly to his object: to him it is all perplexity, caprice, and contradiction *—arbitrary and mysterious rules, of which to trace and comprehend the reasons is the work of years—forced constructions, to which no equity of intention can reconcile—logical evasions, from which the mind's pride indignantly revolts—of all these the young lawyer meets abundance in his books; and to encounter and tolerate them he must have some stronger inducement than a mere liberal ambition of learning or of fame. We consequently find that there

* This was at least what Mr. Curran found it. In his poem on Friendship, already mentioned, he says,

"Oft, when condemn'd 'midst Gothic tomes to pore,
And, dubious, con th' embarrass'd sentence o'er,
While meteor meaning sheds a sickly ray
Through the thick gloom, then vanishes away,
With the dull toil tired out, th' indignant mind
Bursts from the yoke, and wanders unconfined."

is no other profession supplying so many members who never advance a single step; no other which so many abandon; disgusted and disheartened by the sacrifices that it exacts.

To these fearful pursuits Mr. Curran brought every requisite of mind, and character, and education, besides the above grand requisite of want of fortune. Instead of being surprised at his eminent success, the wonder would have been if such a man had failed. Having acquirements and hopes, and a station, above his circumstances, to hold his ground, he could not allow his powers to slumber for a moment. His poverty, his pride, a secret consciousness of his value, an innate superstitious dread of obscurity, "that last infirmity of noble minds," kept him for ever in motion, and impatient to realize his own expectations, and the predictions of those friends by whom his efforts were applauded and assisted.

It appears in a passage of one of his letters from the Temple, that he had, for a

while, an idea of trying his fortune at the American bar. "Mrs. W." says he, "concludes her letter with mentioning her purpose of revisiting America, and repeating her former advice to me on that subject. As for my part, I am totally undetermined. I may well say, with Sir Roger de Coverley, that 'much may be said on both sides.' The scheme might be attended with advantage; yet I fear my mother, especially, would not be easily reconciled to such a step." But he soon abandoned the idea; for in a letter dated a few weeks after he says—"As to the American project, I presume it is unnecessary to tell you that the motives are now no more, and that the design has expired of consequence. I have been urged to be called to that bar, and my chief inducement was my friendship for Mrs. W., to whom I might be useful in that way; but there is so little likelihood of her going, that I shall scarcely have an opportunity of sacrificing that motive to my attachment for Ireland."

CHAPTER III.

Mr. Curran called to the Irish bar—Dissimilarities between that and the English bar—Causes of the difference.

MR. CURRAN was called in Michaelmas term, 1775, to the Irish bar, which was to occupy so distinguished a portion of his future life; but as the genius and habits of that bar, during the whole of his career, differed in many particulars essentially from that of England, it will be necessary to make a passing allusion to those distinctions, without which English readers might find it difficult to reconcile the specimens of his eloquence that occur in the following pages, with their previous ideas of forensic oratory.

No person who has attended to the course of forensic proceedings in the two countries can have failed to have observed, that while in England they are (with a very

few exceptions) carried on with cold and rigorous formality, in Ireland they have not unfrequently been marked by the utmost vivacity and eloquence. The English barrister, even in cases of the deepest interest, where powerful emotions are to be excited, seldom ventures to exercise his imagination, if, indeed, long habits of restraint have left him the capacity to do so: yet in the Irish courts, not only are such subjects discussed in a style of the most impassioned oratory, but many examples might be produced, where questions more strictly technical, and apparently the most inappropriate themes of eloquence, have still been made the occasion of very fervid appeals to the feelings or the fancy. This latitude of ornament and digression, once so usual at the Irish bar, has been never known, and would never have been tolerated in Westminster Hall. It would be there accounted no less new than extravagant to hear a counsel pathetically reminding the presiding judge of the convivial meetings

of their early days*, or enlivening his arguments on a grave question of law by humorous illustration†. Yet was all

* See Mr. Curran's apostrophe to Lord Avonmore, chap. iv.

† Of these, examples without number might be produced from Mr. Curran's law-arguments. His published speech in the Court of Exchequer, on Mr. Justice Johnson's case, is full of them. Equally striking instances occur in his argument on the same question before the Court of King's Bench. "The minister going to the House of Commons might be arrested upon the information of an Irish chairman, and the warrant of a trading-justice. Mr. Pitt might be brought over here *in vinculis*. What to do? to see whether he can be bailed or not. I remember Mr. Fox was once here—during the lifetime of this country—so might he be brought over. It may facilitate the intercourse between the countries, for any man may travel at the public expense; as, suppose I gave an Irishman in London a small assault in trust, when the vacation comes, he knocks at the door of a trading-justice, and tells him, he wants a warrant against the counsellor.—What counsellor?—Oh, sure every body knows the counsellor.—Well, friend, and what is your name?—Thady O' Flannigan, please your honour.—What countryman are you?—An Englishman, *by construction*.—Very well, I'll draw upon my correspondent in Ireland for the body of the counsellor."

For a more modern example of eloquence and humour

this listened to in Ireland with favour and admiration. It had, indeed, little influence upon the decisions of the bench. The advocate might have excited the smiles or tears of his hearers, but no legal concessions followed. The judges who showed the most indulgence and sensibility to these episodes of fancy were ever the most conscientious in preserving the sacred stability of law. Into the counsel's mirth or tenderness, no matter how digressive, they entered for the moment, more pleased than otherwise with irregularities that gratified their taste and relieved their labour; but with them the triumph of eloquence was but evanescent—the oration over, they resumed their gravity and firmness, and proved by their ultimate decision, that if they relaxed for an instant, it was from urbanity, and not from any oblivion of the paramount duties of their station. The effects, however, which such appeals to the passions

upon such questions, the Irish reader is referred to the argument of the present Solicitor-general (Mr. C. K. Bushe), in the case of the King against O'Grady.

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produced (as they still continue to do) upon juries, was very different; and when the advocate transferred the same style into his addresses to the bench, it was not that his judgment had selected it as the most appropriate, but because he found it impossible to avoid relapsing into those modes of influencing the mind, which he had been long habituated to employ with so much success in another quarter.

In accounting for this adoption at the Irish bar of a style of eloquence so much more fervid and poetical than the severer notions of the English courts would approve, something must be attributed to the influence of the national character. From whatever cause it has arisen, the Irish are by temperament confessedly more warm and impetuous than their neighbours: their passions lying nearer the surface; their actions are more governed by impulse, and their diction more adorned by imagination, than it would be reasonable to expect in a colder, more advanced and philosophic people. In addressing persons

so constituted, the methods most likely to prevail are sufficiently obvious. The orator, who knows any thing of his art, must be aware that frigid demonstration alone is not the best adapted to men who take a kind of pride in regulating their decisions by their emotions, and that a far more certain artifice of persuasion must be to fill their minds with those glowing topics by which they habitually persuade themselves.

It may be observed, too, that although the habits of mind which must be cultivated, in order to succeed in such a style of eloquence, are altogether different from those involved in the study of the law; yet in Ireland they have never been deemed incompatible with legal occupations. The preparation for the bar there has never been so entirely technical as it usually is in England: a very general taste for polite literature and popular acquirements has been united with the more stern and laborious attainments of professional knowledge, and it is to this combination of pursuits, that invigorate the understanding with those

which exercise the imagination and improve the taste, that must be attributed that mass of varied and effective talent, which has so long existed among the members of the Irish bar.

But the immediate cause of that animated style of eloquence that has of late years prevailed there appears to have been the influence of the Irish House of Commons.

It was principally in the productions of the eminent leaders in that house, that originated the modern school of Irish oratory. In Ireland this popular style made its way from the senate to the bar; though at first view such a transition may not seem either necessary or natural. In England it has not taken place. At the time that the first Mr. Pitt, the pride of the English senate, was exalting and delighting his auditors by the majesty of his conceptions and the intrepid originality of his diction, Westminster Hall remained inaccessible to any contagious inspiration. At a later period, upon the memorable

trial of Warren Hastings, the contrast is brought more palpably to view. While the celebrated prosecutors in that cause were soaring as high as imagination could find language to sustain it, while they were "shaking the walls that surrounded them with those anathemas of super-human eloquence*," which remain among the recorded models of British oratory, the

* Erskine's defence of Stockdale. This celebrated advocate may be adduced in refutation of some of the above opinions, and it must be admitted that in some degree he forms an exception: yet, without inquiring now, whether his was a style of eloquence peculiar to the individual, or characteristic of the English bar; it may be observed, that it differed essentially from that which prevailed at this time in the British parliament, and to a still greater extent in the Irish senate and at the Irish bar. If he had produced many such passages as that of the American savages, it would have been otherwise; but his general strength did not lie in the fervour of his imagination: it was by the vigour of his ethics and his logic, enforced by illustrations rather felicitous than impassioned, that he brought over the judgment to his side. It is not intended by these remarks to assign a superiority to either style—it is to be supposed that the eminent advocates of the two bars adopted the manner that was best suited to their respective countries.

lawyers, who conducted the defence, were in general content to retaliate with tranquil argument and uninspired refutation. The introduction, therefore, of the parliamentary manner into the courts of Ireland, is to be accounted for by some circumstances peculiar to the country.

During that period when eloquence flourished most in the Irish parliament, that is, for the last forty years of its existence, the number of barristers in the House of Commons bore a much greater proportion to the whole than has been at any time usual in England *. In those days the policy by which Ireland was governed being in the utmost degree unpopular, the whole patronage of the Irish administration was necessarily expended in alluring supporters of the measures against which the nation exclaimed. A majority of *numbers* in the House of Commons could then be

* See the biographical sketches of the eminent Irish senators, in Hardy's Life of Lord Charlemont. See also note, chap. iv.

easily procured, and for a long time such a majority had been sufficient for every purpose of the government; but at the period in question, the increasing influence and talent of the minority rendered it necessary to adopt every method of opposing them (if possible) with a predominance of intellect. The means of doing this, it would appear, were not to be found in that body which ruled the country, and recourse was had to the expedient of enlisting the rising men at the bar in the service of the administration*. Accordingly,

* Such was the commencement of (among others) the late Lord Clonmel's fortune. "The Marquis of Townshend had expressed his wishes to Lord Chancellor Lifford, for the assistance of some young gentleman of the bar, on whose talent and fidelity he might rely, in the severe parliamentary campaigns then (1769) likely to take place. Lord Lifford recommended Mr. Scott, who was accordingly returned to parliament, to oppose the party led on by the celebrated Flood."—Hardy's Life of Lord Charlemont.

The necessity of calling in such aid gives us but a poor idea of the education and talents of the Irish aristocracy of the time. Mr. Grattan, in 1797, thus mentions the great improvement in the intellect of his country that he had witnessed. "The progress of the

every barrister who had popular abilities enough to render his support of any moment found a ready admission into parliament, upon the condition of his declaring for the viceroy; and in the event of his displaying sufficient talent and constancy, was certain of being rewarded with the highest honours of his profession.

But independent of those who were thus introduced to the senate, the bar was the profession most generally resorted to by the members or dependents of the highest families; as one in which, without any claim of merit, they could, through the influence of their patrons, obtain situations of professional emolument, and where, if they possessed such a claim, the road was so open to legal preferment and to poli-

human mind in the course of the last twenty-five years has been prodigious in Ireland; I remember when there scarcely appeared a publication in a newspaper of any degree of merit, which was not traced to some person of note, on the part of government or the opposition; but now a multitude of very powerful publications appear, from authors entirely unknown, of profound and spirited investigation."—Letter to the citizens of Dublin.

tical distinction; and consequently all of the latter description, recommended by their talents, and supported by the power of their connexions, found access to the House of Commons, long before that period of standing and of professional reputation, at which the successful English barrister is accustomed or deems it prudent to become a senator.

These circumstances alone would in a great degree account for the number of lawyers in the Irish parliament; but it should be farther observed, that it was not any particular class that looked to or obtained a seat in that assembly: the ambition of appearing there was very general at the Irish bar; it was the grand object upon which every enterprizing barrister fixed his eye and his heart. This was the age of political speculation; it was "Ireland's life-time." Great original questions were daily agitated in her parliament: the struggle between popular claims and ancient prerogatives was a scene where much seemed likely to be gained,—by the

venal for themselves, by the honest for their country; but whether considered as a post of honour or of profit, it was one to which men of colder temperaments than the Irish might be easily moved to aspire.

The consequence of this intermixture of political with legal pursuits was, that the talents most suited to advance the former were much cultivated and constantly exercised; and from this difference in the objects and habits of the bars of the two countries appear to have principally resulted the different styles of oratory displayed by the members of each, both in their parliamentary and forensic exertions. The English barrister, long disciplined to technical observances, having passed the vigour of his intellect in submissive reverence to rules and authorities, brings into the House of Commons the same subtle propensities, and the same dread of expanded investigation and of rhetorical ornament that his professional duties imposed; but in Ireland the leading counsel were also from an early age distinguished

members of the senate. If in the morning their horizon was bounded by their briefs, in a few hours their minds were free to rise, and extend it as far as the statesman's eye could reach; they had the daily excitation and tumult of popular debate to clear away any momentary stagnations of fancy or enterprize: the lawyer became enlarged into the legislator, and instead of introducing into the efforts of the latter the coldness and constraint of his professional manner, he rather delighted to carry back with him to the forum all the fervour, and pomp, and copiousness of the deliberative style.

The parliament of Ireland, the nurse of the genius and ambition of its bar, is now extinct; but the impulse that it gave is not yet spent: the old have not yet forgotten the inspiration of the scene where they beheld so many accomplished orators pass their most glorious hours; the young cannot hear without a throb of emulation the many wondrous things of that proud work of their fathers, which was levelled

for having towered too high; nor is the general regret of the bar for its fall unincreased by their possession and daily admiration of two noble and still perfect relics, attesting the magnificence of the structure they have survived *.

Another peculiarity of the Irish bar that is now passing away, but which prevailed to a great extent during Mr. Curran's forensic career, was the frequency of collisions between the bar and the bench. It was often his fate to be involved in them, and many are the instances of the promptness of repartee, and of the indignant intrepidity with which on such occasions he defended the privileges of the advocate. It will be presently seen that he had scarcely appeared at the bar, when he shewed how he could encounter and triumph over all the taunts and menaces of a hostile judge. The same spirit of resistance and retaliation will be found in his contests with Lord

* Messrs. Bushe and Plunkett, two of the members of the Irish House of Commons the most distinguished for eloquence, continue at the Irish bar.

Clare; and at a much subsequent period, when he was exerting himself in a cause with his characteristic firmness, the presiding judge having called to the sheriff to be ready to take into custody any one who should disturb the decorum of his court, "Do, Mr. Sheriff," replied Mr. Curran, "go and get ready my dungeon; prepare a bed of straw for me; and upon that bed I shall to-night repose with more tranquillity than I should enjoy were I sitting upon that bench with a consciousness that I disgraced it."

The same political causes that have been already alluded to as influencing the oratory of the Irish bar, will in a great measure account for these conflicts in the courts, and for that tone of sarcasm and defiance assumed by the barrister on such occasions.

It was one of the public calamities of the period when such scenes were most frequent, that in the selection of persons to fill the judicial seat, more attention was often paid to family interest and political

services than to the claims of merit, or the benefit of the community. No doubt it sometimes happened that this important office was bestowed upon men, to whom the appointment to situations of honour and of trust was less a gift, than the payment of the justest debt. What dignity could be too exalted for the learned and accomplished Lord Avonmore? What trust too sacred for Lord Kilwarden, the most conscientious, and pacific, and merciful of men? But if Ireland beheld such persons adorning their station, she had the anguish and humiliation to see others degrading it by their political fury, or by the more indecent gratification of their particular animosities. Influenced by such unworthy feelings of party or of private hostility, the judges in those days were too prone to consider it a branch of their official duty to discountenance any symptoms of independence in their court; and though at times they may have succeeded, yet at others, indignant and exemplary was the retaliation to which such a departure from

their dignity exposed them: for it was not unusual that the persons who made these experiments upon the spirit of the bar, and whose politics and connexions had raised them to a place of nominal superiority, were in public consideration, and in every intellectual respect, the inferiors of the men that they undertook to chide. It sometimes happened too that the parties, whose powers might be less unequal, had been old parliamentary antagonists; and when the imputed crimes of the oppositionist came to be visited upon the advocate, it is not surprising that he should have retorted with pride, and acrimony, and contempt. Hence arose in the Irish courts those scenes of personal contention, which the different character of the bench in later times precludes, and which (whatever side gain the victory) must ever be deprecated as ruinous to the client, and disgraceful to that spot, within whose precincts faction and passion should never be permitted to intrude.

But though the solemnity of judicial

proceedings in Ireland might have been often disturbed by the preceding causes, they have been more frequently enlivened by others of a less unamiable description. Notwithstanding the existence there of that religious and political bigotry which tends to check every cheerful impulse, and in their place to substitute general distrust and gloom, these baneful effects have been powerfully counteracted by the more prevailing influence of the national character. The honest kindly affections of nature, though impeded, have still kept on their course. In spite of all the sufferings and convulsions of the last century, the social vivacity of the Irish was proverbial. It subsisted, as it still subsists, in an eminent degree in their private intercourse; it may be also seen constantly breaking forth in their public discussions. At the bar, where the occasions of jocularity so frequently occur, it is, as might be expected, most strikingly displayed. The Irish judges have not disdained to resign themselves to the favourite propensity of their country.

The humorous sally or classical allusion, which would have pleased at the table, has not been frowned upon from the bench: their habits of social intimacy with the bar, and their own tastes as scholars and companions, have rather prepared them to tolerate and even join in those lively irregularities which the more severe decorum of Westminster Hall might condemn. This urbanity and indulgence still remains; and scarcely a term passes over without many additions, either from the bar or the bench, to the large fund of Irish forensic humour.

A more frequent and less dignified description of mirth, of which so much may be observed in the legal proceedings of Ireland, is that which originates in the particular character of the lower orders of that country. They abound in sagacity and repartee; qualities to which when appearing as unwilling witnesses, or when struggling under the difficulties of a cross examination, they seldom fail to fly for shelter. Their answers on such occasions

are singularly adroit and evasive *, and the advocate is consequently obliged to adopt every artifice of humour and ridicule, as more effectual than seriousness or menace, to extract the truth and expose their equivocations. The necessity of employing such methods of confounding the knavish ingenuity of a witness, perpetually occasions the most striking contrasts between the solemnity of the subjects, and the levity of the language in which they are investigated. It is particularly in the Irish criminal courts that scenes of this complicated interest most constantly occur. In the front appear the counsel and the evidence engaged in a dramatic contest, at which the auditors cannot refrain from bursts of laughter, and at a little distance behind, the prisoner under trial, gazing upon them with agonized attention, and catching at a presage of his fate in the alternating dexterity or fortune of the combatants.

* See Mr. Curran's cross examination of O'Brien, inserted hereafter.

This intrusion of levity into proceedings that should be marked by pomp and dignity may be indecent, but it is inevitable. Without this latitude of examination no right would be secure, and when exerted, no gravity can resist its influence; even the felon's visage is often roused from its expression of torpid despair by the sallies that accompany the disclosure of his crimes. As long therefore as the Irish populace retain their present character of vivacity and acuteness, the Irish advocate must cultivate and display his powers of humour, often, perhaps, to a greater extent than his own better taste would desire; and the courts, aware of the necessity of such an instrument for eliciting the truth, will not consider it incumbent on them to interfere with its use.

CHAPTER IV.

Mr. Curran's early success at the bar—His contest with Judge Robinson—His defence of a Roman Catholic priest—His duel with Mr. St. Leger—Receives the dying benediction of the priest—Lord Avonmore's friendship—His character of Lord Avonmore—Monks of St. Patrick, and list of the original members—Anecdotes of Lord Avonmore—Mr. Curran's entrance into parliament.

MR. CURRAN has been frequently alluded to as one of the many examples in the history of the bar, of the highest talents remaining for a long time unknown and unrewarded. This, however, was not the fact: so general was the reputation of his abilities, and so numerous his personal friends, that he became employed immediately, and to an extent that is very unusual with those, who, like him, have solely depended upon their own exertions, and upon accidental support*.

* The fact of his early practice appears from his own fee-book, in which the receipts commence from the day

The failure of Mr. Curran's first attempt at speaking has been mentioned: a more singular instance of that nervousness which so frequently accompanies the highest capacity, occurred to him upon his debut in the courts. The first brief that he held was in the court of Chancery; he had only to read a short sentence from his instructions, but he did it so precipitately and inaudibly, that the chancellor, Lord Lifford, requested of him to repeat the words, and to raise his voice: upon this his agitation became so extreme that he was unable to articulate a syllable; the *brief dropped from his hands*, and a friend who sat beside him was obliged to take it up and read the necessary passage.

This diffidence, however, totally vanished whenever he had to repel what he conceived an unwarrantable attack. It was by giving proofs of the proud and indignant

after he was called to the bar. The first year produced eighty-two guineas, the second between one and two hundred, and so on, in a regularly increasing proportion.

spirit with which he could chastise aggression, that he first distinguished himself at the bar*: of this his contest with Judge Robinson is recorded as a very early and memorable instance. Mr. Curran having observed in some case before that judge, "That he had never met the law as laid down by his lordship, in any book in *his* library," "That may be, sir," said the judge, in an acrid contemptuous tone; "but I suspect that *your* library is very small." His lordship, who, like too many of that time, was a party zealot, was known to be the author of several anonymous political pamphlets, which were chiefly conspicuous for their despotic principles and excessive violence.

* His first occasion of displaying that high spirit which was afterwards so prominent in his character, was at the election of Tallagh, where he was engaged as counsel, a few months after his admission to the bar. One of the candidates, presuming upon his own rank, and upon the young advocate's unostentatious appearance, indulged in some rude language towards him; but was instantly silenced by a burst of impetuous and eloquent invective, which it at that time required an insult to awaken.

The young barrister, roused by the sneer at his circumstances, replied that true it was that his library might be small, but he thanked heaven that, among his books, there were none of the wretched productions of the frantic pamphleteers of the day. "I find it more instructive, my lord, to study good works than to compose bad ones; my books may be few, but the title-pages give me the writers' names: my shelf is not disgraced by any of such rank absurdity that their very authors are ashamed to own them."

He was here interrupted by the judge, who said, "Sir, you are forgetting the respect which you owe to the dignity of the judicial character."—"Dignity!" exclaimed Mr. Curran; "my lord, upon that point I shall cite you a case from a book of some authority, with which you are perhaps not unacquainted. A poor Scotchman*,

* Perhaps it is unnecessary to remind most readers, that the Scotchman alluded to is Strap, in Smollett's Roderick Random.

upon his arrival in London, thinking himself insulted by a stranger, and imagining that he was the stronger man, resolved to resent the affront, and taking off his coat, delivered it to a bystander to hold; but having lost the battle, he turned to resume his garment, when he discovered that he had unfortunately lost that also, that the trustee of his habiliments had decamped during the affray. So, my lord, when the person, who is invested with the dignity of the judgment-seat, lays it aside for a moment, to enter into a disgraceful personal contest, it is vain, when he has been worsted in the encounter, that he seeks to resume it—it is in vain, that he endeavours to shelter himself behind an authority, which he has abandoned."

Judge Robinson.—"If you say another word, sir, I'll commit you."

Mr. Curran.—"Then, my lord, it will be the best thing you'll have committed this term."

The judge did not commit him; but he was understood to have solicited the bench

to interfere, and make an example of the advocate by depriving him of his gown, and to have received so little encouragement, that he thought it most prudent to proceed no further in the affair.

From this, and many other specimens of spirit and ability, Mr. Curran's reputation rapidly increased; but it was not till he had been four or five years at the bar that his powers as an advocate became fully known. His first opportunity of displaying them was in a cause at the Cork assizes, in which a Roman catholic priest, the Rev. Mr. Neale, brought an action against a nobleman of that county (Lord Doneraile), for an assault and battery.

The circumstances attending this case mark the melancholy condition of the times. They afford a single, but a very striking example of those scenes of local despotism and individual suffering, of which, at this degraded period, Ireland was daily the witness and the victim.

The nobleman in question had contracted an intimacy with a young woman,

whose family resided in the parish of which the plaintiff in this action was the priest. This woman's brother having committed some offence against religion, for which the Roman catholic bishop of the diocese had directed that the censures of the church should be passed upon him, she solicited Lord Doneraile to interfere, and to exert his influence and authority for the remission of the offender's sentence. His lordship, without hesitation, undertook to interpose his authority. For this purpose he proceeded, accompanied by one of his relatives, to the house or rather the cabin of the priest. As soon as he arrived there, disdaining to dismount from his horse, he called, in a loud and imperious tone, upon the inhabitant to come forth. The latter happened at that moment to be in the act of prayer; but hearing the voice, which it would have been perilous to disregard, he discontinued his devotions to attend upon the peer. The minister of religion appeared before him (an affecting spectacle, to a feeling mind, of infirmity and humility),

bending under years, his head uncovered, and holding in his hand the book which was now his only source of hope and consolation. His lordship ordered him to take off the sentence lately passed upon his favourite's brother. The priest, struggling between his temporal fears and the solemn obligations of his church, could only reply, with respect and humbleness, that he would gladly comply with any injunction of his lordship, but that to do so in the present instance was beyond his power; that he was only a parish priest, and, as such, had no authority to remit an ecclesiastical penalty imposed by his superior; that the bishop alone could do it. To a second and more angry mandate, a similar answer was returned, upon which the nobleman, forgetting what he owed to his own dignity, and the pity and forbearance due to age, and the reverence due to religion, raised his hand against the unoffending old man, who could only escape the blows directed against his person by tottering back into his habitation, and securing its door against his merciless assailant.

For this disgraceful outrage, to which the sufferer was exposed, because he would not violate the sanctity of his own character and the ordinances of his church, for the gratification of a profligate woman, who chanced to be the mistress of a peer, he for some time despaired of obtaining redress. So great was the provincial power of this nobleman, and such the political degradation of the Roman catholic clergy, that the injured priest found a difficulty in procuring an advocate to plead his cause. At length, several to whom he applied having (according to general report) declined to be concerned for so unpopular a client*, Mr. Curran, justly conceiving that it would be a stain upon his profession if

* In 1735, a catholic nobleman (Lord Clancarty) brought an ejectment to recover his family estates that had been confiscated, but by a resolution of the Irish House of Commons, all barristers, solicitors, attorneys, or proctors, that should be concerned for him, were voted public enemies (O'Connor's Hist. of the Irish Catholics, p. 218); and in Ireland the prejudices, which had dictated so iniquitous a measure, were not extinct in 1780.

such scenes of lawless violence were allowed to pass without investigation, took a step which many considered as most romantic and imprudent, and only calculated to baffle all his prospects upon his circuit; he tendered his services to the unfriended plaintiff, and, the unexpected offer being gratefully accepted, laid the story of his unmerited wrongs before a jury of his country.

No printed report of this trial has been preserved, but all the accounts of it agree that the plaintiff's counsel acquitted himself with eminent ability. And it is only by adverting to the state of those times, that we can appreciate the ability that could obtain success. This was not, as an ordinary case, between man and man, where each may be certain of an equitable hearing. The advocate had to address a class of men who were full of furious and inveterate prejudices against his client. The very appearance of a Roman catholic clergyman, obtruding his wrongs upon a court of justice, was regarded as a pre-

sumptuous novelty. To the minds of the bigoted jurors of that day, his demand of redress was an act of rebellion against the protestant ascendancy—a daring effort to restore a deposed religion to its throne. The cause had also, from the characters of the parties, excited the greatest public interest, and the sympathy of the public, as is always the case where no epidemic passions intervene, was upon the side of the oppressed; but the general expression of such a feeling was rather detrimental to its object. The crowds that filled, and surrounded the court, upon the day of trial, were Roman catholics, and were supposed, by a very obvious construction, to have assembled not so much to witness a triumph of justice, as to share in a triumph of their religion. Upon such an occasion, the advocate had not merely to state the facts, and apply the law; before he could convince or persuade, he had to pacify—to allure his hearers into a patient attention, and into a reversal of the hostile verdict, which, before they were sworn, they had

tacitly pronounced. These were the difficulties against which Mr. Curran had to contend, and which he overcame. The jury granted a verdict to his client, with thirty guineas damages. So small a sum would now be deemed a very paltry remuneration for such an injury; but in Ireland, about forty years ago, to have wrung even so much from a protestant jury, in favour of a catholic priest, against a protestant nobleman, was held to be such a triumph of forensic eloquence, and to be in itself so extraordinary a circumstance, that the verdict was received by the people at large as an important political event.

In a part of his address to the jury in this case, the plaintiff's counsel animadverted, with the utmost severity of invective, upon the unworthy conduct of the defendant's relative (Mr. St. Leger), who had been present, and countenancing the outrage upon the priest. At length, his zeal and indignation hurrying him beyond his instructions, he proceeded to describe that gentleman (who had lately left a regi-

ment that had been ordered on actual service), as "a renegado soldier, a drummed-out dragoon, who wanted the courage to meet the enemies of his country in battle, but had the heroism to redeem the ignominy of his flight from danger, by raising his arm against an aged and unoffending minister of religion, who had just risen from putting up before the throne of God a prayer of general intercession, in which his heartless insulter was included."

As soon as the trial was over, he was summoned to make a public apology for those expressions, or to meet Mr. St. Leger in the field*. He was fully sensible

* There was another circumstance during this trial, which had given equal offence, and which, whatever judgment may be passed upon it now, was well calculated to influence the jury. Mr. Curran knew that Mr. St. Leger was to be produced as one of the defendant's witnesses, and it was in order to diminish the weight of his testimony, that he had described him as above. He had however mentioned no name, but merely apprised the jury, that such a character might be brought to impose upon them. When Mr. St. Leger came upon the

that his language had not been strictly warrantable, and that a barrister had no right to take shelter under his gown from the resentment of those, whose feelings and character he might have unjustifiably attacked; but perceiving that an apology would, in the eyes of his countrymen, have tarnished the lustre of his recent victory, and that it might have the effect of inviting future challenges when-

table*, and took the testament in his hand, the plaintiff's counsel, in a tone of affected respect, addressed him, saying, "Oh, Mr. St. Leger, the jury will, I am sure, believe you without the ceremony of swearing you; you are a man of honour, and of high moral principle; your character will justify us from insisting on your oath." The witness, deceived by this mild and complimentary language, replied with mingled surprise and irritation, "I am happy, sir, to see you have changed the opinion you entertained of me when you were describing me awhile ago." "What, sir! then you confess it was a description of yourself! Gentlemen, act as you please, but I leave it to you to say whether a thousand oaths could bind the conscience of such a man as I have just described."

* It may be requisite to inform the English reader, that in the Irish courts there is no box for the witnesses; they are examined upon the table that stands on the floor of the court, between the bar and the bench.

ever he should perform his duty with the necessary boldness, he deemed it more eligible to risk his life than his reputation. A duel accordingly followed; upon which occasion, Mr. Curran not only established for himself a character for personal intrepidity (an acquisition of no small moment in a country where the point of honour has always been so sacredly observed), but afforded infinite entertainment to the by-standers, by a series of those sportive sallies, which, when the impulse was on him, no time or place could repress*. He declined returning Mr. St. Leger's fire; so that the affair, after a single shot, was terminated.

* When each had taken his ground, Mr. St. Leger called out to his adversary to fire: "No, sir," replied he, "I am here by your invitation, and you must open the ball."

A little after, Mr. Curran, observing the other's pistol to be aimed wide of its mark, called out in a loud voice, "Fire!" St. Leger, who was a nervous man, started, and fired: and having died not long after, was reputed in Munster to have been killed by the report of his own pistol.

A more solemn and interesting scene soon followed. The poor priest was shortly after called away to another world. When he found that the hour of death was at hand, he earnestly requested that his counsel, to whom he had something of importance to communicate, might be brought into his presence. Mr. Curran complied, and was conducted to the bed-side of his expiring client. The humble servant of God had neither gold nor silver to bestow; but what he had, and what with him was above all price, he gave,—the blessing of a dying Christian upon him who had employed his talents, and risked his life, in redressing the wrongs of the minister of a proscribed religion. He caused himself to be raised for the last time from his pillow, and, placing his hands on the head of his young advocate, pronounced over him the formal benediction of the Roman catholic church, as the reward of his eloquence and intrepidity. Mr. Curran had also the satisfaction of being assured by the lower orders of his countrymen, that he might

now fight as many duels as he pleased, without apprehending any danger to his person. An assurance, which subsequently became a prophecy, as far as the event could render it one.

Shortly after this trial, the successful orator was given to understand, that his late triumph should cost him dear. As he was standing amidst a circle of his friends in one of the public streets of Cork, he was called aside by a person who brought him an intimation from Lord Doneraile, that in consequence of his late unprecedented conduct, he might expect never to be employed in future in any cause, where his lordship, or his extensive connexions, should have the power to exclude him. The young barrister answered with contemptuous playfulness, and in a voice to be overheard by every one; "My good sir, you may tell his lordship, that it is in vain for him to be proposing terms of accommodation; for after what has happened, I protest I think, while I live, I

shall never hold a brief for him or one of his family." The introduction of these particulars may almost demand an apology; yet it is often by little things that the characters of times and individuals are best displayed, as (according to an eminent English writer) "throwing up little straws best shews which way the wind lies."

Previous to this trial, Mr. Curran's fame, and practice, had been unusual for his standing; but after his display of eloquence and conduct upon this occasion, they increased with unprecedented rapidity. It was probably too with this event that originated his great popularity among the lower orders of the Irish, a feeling which a little time matured into an unbounded veneration for his capacity, combined with a most devoted attachment to his person. Their enthusiasm in this instance can be scarcely conceived by such as have only witnessed the common marks of respect paid to ordinary favourites of the people. So much of his

life, and so many of its proudest moments were passed in their presence, in the courts of Dublin, and on the circuit towns; his manners were so unaffectedly familiar and accessible, his genius and habits were so purely national, that the humblest of his countrymen, forgetting the difference of rank in their many common sympathies, fondly considered him *as one of themselves*, and cherished his reputation not more as a debt of gratitude to him, than as a kind of peculiar triumph of their own. These sentiments, which he never descended to any artifices to cultivate, continued unimpaired to his death, and will probably survive him many years.

In relating the steps by which Mr. Curran advanced to professional distinction, it would be an injustice to omit the support which he found in the friendship of the late learned and respected Lord Avonmore, then Mr. Yelverton, a leading counsel at the Irish bar. This excellent and rarely gifted man had himself risen from an hum-

ble station, and knowing, by experience, "how hard it is to climb," was ever most prompt in encouraging and assisting those whom he saw imitating his own honourable example. His friendship for Mr. Curran commenced in 1775 (through the father-in-law of the latter, Dr. Creagh, between whom and Mr. Yelverton an old and tender intimacy had subsisted); and, with the exception of a few intervals of temporary alienation from political differences, continued unimpaired to his death.

In one of Mr. Curran's latest efforts at the bar*, we find him fondly turning aside for a moment to indulge his respect for the judge and the scholar, and his gratitude to the friend of his younger years. The following is the character that he has drawn of Lord Avonmore. To strangers it may appear overwrought, but those who were familiar with the simple antique

* Speech in the case of Mr. Justice Johnson, in the Court of Exchequer, where Lord Avonmore presided.

grandeur of mind that dignified the original recognise the fidelity of the likeness.

" I am not ignorant that this extraordinary construction has received the sanction of another court, nor of the surprise and dismay with which it smote upon the general heart of the bar. I am aware that I may have the mortification of being told in another country of that unhappy decision, and I foresee in what confusion I shall hang down my head when I am told it. But I cherish, too, the consolatory hope, that I shall be able to tell them, that I had an old and learned friend, whom I would put above all the sweepings of their Hall, who was of a different opinion—who had derived his ideas of civil liberty from the purest fountains of Athens and of Rome—who had fed the youthful vigour of his studious mind with the theoretic knowledge of their wisest philosophers and statesmen—and who had refined that theory into the quick and exquisite sensibility of moral instinct, by contemplating the prac-

tice of their most illustrious examples—by dwelling on the sweet-souled piety of Cimon—on the anticipated christianity of Socrates—on the gallant and pathetic patriotism of Epaminondas—on that pure austerity of Fabricius, whom to move from his integrity would have been more difficult than to have pushed the sun from his course. I would add, that if he had seemed to hesitate, it was but for a moment—that his hesitation was like the passing cloud that floats across the morning sun, and hides it from the view, and does so for a moment hide it, by involving the spectator without even approaching the face of the luminary."

Lord Avonmore was the person under whose auspices was formed, in the year 1779, a patriotic and convivial society, "The Monks of the Order of St. Patrick*,"

* Of this society, so interesting as connected with the most splendid era of Ireland's history, Mr. Hudson has kindly supplied the following notice and list of the original members.

which was in those days sufficiently celebrated, and composed of men such as Ire-

This celebrated society was partly political and partly convivial; it consisted of two parts, professed and lay brothers. As the latter had no privileges, except that of commons in the refectory, they are unnoticed here.

The professed (by the constitution) consisted of members of either house of parliament, and barristers, with the addition from the other learned professions of any number not exceeding one third of the whole. They assembled every Saturday in Convent, during term-time; and commonly held a chapter before commons, at which the abbot presided, or in his (very rare) absence, the prior, or senior of the officers present. Upon such occasions, all the members appeared in the habit of the order, a black tabinet domino. Temperance and sobriety always prevailed. A short Latin grace, 'Benedictus benedicat,' and 'Benedicto benedicatur*,' was regularly and gravely pronounced by the præcentor or chaplain, before and after commons.

It will be seen by the following list, that there were many learned men and men of genius in their number, and I may venture to say, that few productions (either in pamphlets or periodical publications) of any celebrity, during the arduous struggle for Irish emancipation, appeared, which did not proceed from the pen of one of the brethren. Nor did they forego their labours, till by

* Since adopted as the grace of the King's Inns Society, in Dublin.

land could not easily assemble now. It was a collection of the wit, the genius, and

their prayers and exertions they attained emancipation for their country. The sad change which has taken place since their dispersion need not be related.

THE

MONKS OF THE ORDER OF ST. PATRICK,

COMMONLY CALLED

THE MONKS OF THE SCREW.

Assembled at their Convent in St. Kevin-street, Dublin, on and after September the 3d, 1779.

Members Names.

1. *Founder.* Barry Yelverton, Barrister, M. P. since Lord Viscount Avonmore, Lord Chief Baron.

2. *Abbot.* William Doyle, Barrister, Master in Chancery.

3. *Prior.* John Philpot Curran, Barrister, since M. P. Privy Counsellor, and Master of the Rolls.

4. *Præcentor.* Rev. Wm. Day, S.F.T. C.D.

5. *Bursar.* Edward Hudson, M.D.*

6. *Sacristan.* Robt. Johnson, Barr. M. P. and since a Judge*.

7. Arran, the Earl of.

8. Barry, James, (painter), elected an honorary member, never joined.

* Surviving.

public virtue of the country; and though the name of the society itself is not em-

9. Brown, Arthur, Barr. M. P. and F. T. C. D.

10. Burgh, Walter Hussey, Barr. Rt. Hon. and M. P. and since Chief Baron.

11. Burston, Beresford, Barr. and K. C.*

12. Carhampton, Earl of.

13. Caldbeck, William, Barr. and K. C.

14. Chamberlayne, W. Tankerville, Barr. M. P. and since a Judge.

15. Charlemont, Earl of.

16. Corry, Rt. Hon. Isaac, M. P. and since Chancellor of the Exchequer.

17. Daly, Rt. Hon. Denis, M. P.

18. Day, Robert, Barr. M. P. and since a Judge*.

19. Dobbs, Robert, Barr.

20. Doyle, John, M. P. and since a General in the army, and Bart.*

21. Dunkin, James, Barr.

22. Duquery, Henry, Barr. and M. P.

23. Emmet, Temple, Barr.

24. Finucane, Matthew, Barr. and since a Judge.

25. Fitton, Richard, Barr.

26. Forbes, John, Barr. M. P.

27. Frankland, Richard, Barr. and K. C.

28. Grattan, Rt. Hon. Henry, Barr. and M. P.*

29. Hacket, Thomas, Barr.

* Surviving.

bodied in any of the national records, the names of many of its members are to be

30. Hardy, Francis, Barr. and M. P. (Lord Charlemont's biographer.)

31. Harstonge, Sir Henry, Bart. and M. P.

32. Herbert, Richard, Barr. and M. P.

33. Hunt, John, Barr.

34. Hussey, Dudley, Barr. M. P. and recorder of Dublin.

35. Jebb, Frederic, M. D.

36. Kingsborough, Lord Viscount, M. P.

37. Mocawen, ——— Barr.

38. Martin, Richard, Barr. and M. P.

39. Metge, Peter, Barr. M. P. and since a Judge.

40. Mornington, Earl of.

41. Muloch, Thomas, Barr.

42. Newenham, Sir Edward, M. P.

43. Ogle, Rt. Hon. George, M. P.

44. O'Leary, Rev. Arthur, honorary.

45. O'Neil, Charles, Barr. K. C. and M. P.

46. Palliser, the Rev. Doctor, Chaplain.

47. Pollock, Joseph, Barr.

48. Ponsonby, Rt. Hon. George, Barr. M. P. and since Chancellor of Ireland.

49. Preston, William, Barr.

50. Ross, Lieut. Col. M. P.

51. Sheridan, Charles Francis, Barr. M. P. and Secretary at War.

found in every page, and will be remembered, while Ireland has a memory, with

52. Smith, Sir Michael, Bart. Barr. M. P. and since Master of the Rolls.

53. Stawel, William, Barr.

54. Stack, Rev. Richard, F.T.C.D.

55. Townshend, Marquis of*.

56. Woolfe, Arthur, Barr. M. P. and since Lord Viscount Kilwarden, Chief Justice King's-Bench.

The society dwindled away towards the end of the year 1795.

Shortly after the formation of this club, Mr. Curran, having been one evening called upon for a song, gave one of his own composition, which was immediately adopted as the charter song of the order. The following are all the verses of it that have been recollected.

When St. Patrick this order established,
He called us the "Monks of the Screw;"
Good rules he revealed to our Abbot
To guide us in what we should do.
But first he replenished our fountain
With liquor, the best in the sky;
And he swore, on the word of a saint,
That the fountain should never run dry.

Each year, when your octaves approach,
In full chapter convened let me find you;

* Elected, professed, and joined on his visit to Dublin, after his vice-royalty.

gratitude and pride. The primary object of their association was to give her a constitution, and to nourish and diffuse among her people the spirit and intelligence which

And, when to the Convent you come,
Leave your fav'rite temptation behind you.
And be not a glass in your Convent,
Unless on a festival, found;
And, this rule to enforce, I ordain it
One festival all the year round.

My brethren, be chaste, till you're tempted;
Whilst sober, be grave and discreet;
And humble your bodies with fasting,
As oft as you've nothing to eat.
Yet, in honour of fasting, one lean face
Among you I'll always require;
If the Abbot should please, he may wear it,
If not, let it come to the Prior*.

* * * * *

Come, let each take his chalice, my brethren,
And with due devotion prepare,
With hands and with voices uplifted
Our hymn to conclude with a prayer.
May this chapter oft joyously meet,
And this gladsome libation renew,
To the Saint, and the Founder, and Abbot,
And Prior, and Monks of the Screw!

* Mr. Doyle, the Abbot, had a remarkably large full face; Mr. Curran's was the very reverse.

should render them worthy of the gift; and when the day arrived, as it shortly did, when the rights to which they aspired were not to be gained without a struggle, the leading members of the "Order of St. Patrick" may be seen conspicuous in the post of honour and of danger. Mr. Curran always bore a distinguished part in their meetings; it was to them, and to the many happy and instructive hours he had passed there, that he so pathetically alluded in the fine burst of social enthusiasm which immediately follows the passage above cited. "And this soothing hope I draw from the dearest and tenderest recollections of my life—from the remembrance of those attic nights, and those refections of the gods, which we have spent with those admired, and respected, and beloved companions, who have gone before us; over whose ashes the most precious tears of Ireland have been shed. [Here Lord Avonmore could not refrain from bursting into tears.] Yes, my good Lord, I see you do not forget them. I see their sacred forms passing in sad review

before your memory. I see your pained and softened fancy recalling those happy meetings, where the innocent enjoyment of social mirth became expanded into the nobler warmth of social virtue, and the horizon of the board became enlarged into the horizon of man—where the swelling heart conceived and communicated the pure and generous purpose—where my slenderer and younger taper imbibed its borrowed light from the more matured and redundant fountain of yours. Yes, my Lord, we can remember those nights without any other regret than that they can never more return, for

"We spent them not in toys, or lust, or wine,
But search of deep philosophy,
Wit, eloquence, and poesy,
Arts which I loved, for they, my friend, were thine*."
COWLEY.

* Lord Avonmore, in whose breast political resentment was easily subdued, by the same noble tenderness of feeling which distinguished the late Mr. Fox upon a more celebrated occasion, could not withstand this appeal to his heart. At this period (1804) there was a suspension

Lord Avonmore was one of those men in whom a rare intellect and vast acquirements are found united with the most artless unsuspecting innocency of nature. Whatever the person in whom he confided asserted, he considered to be as undoubted as if he had uttered it himself. His younger friend, aware of this amiable imperfection, used often to trifle with it, and, in moments of playful relaxation, to practise harmless impositions upon his lordship's credulity. His ordinary artifice was to touch his sensibility, and thus excite his attention by relating in his presence some affecting incident, and then, pretending to be unconscious that his lordship was listening, to proceed with a detail of many strange and improbable particulars, until he should be interrupted, as he regularly was, by the good judge's exclaiming, "Gracious hea-

of intercourse between him and Mr. Curran; but the moment the court rose, his lordship sent for his friend, and threw himself into his arms, declaring that unworthy artifices had been used to separate them, and that they should never succeed in future.

vens! sir, is it possible? I have overheard all those most truly amazing circumstances, which I could never have believed, if they did not come from such good authority." His lordship at length discovered the deception, and passing into the opposite extreme, became (often ludicrously) wary and incredulous as to every thing that Mr. Curran stated. Still, however, the latter persisted, and, quickening his invention as the difficulties increased, continued from year to year to gain many a humorous triumph over all the defensive caution of his friend. Even upon the bench, Lord Avonmore evinced the same superstitious apprehension of the advocate's ingenuity, whom he would frequently interrupt, sometimes in a tone of endearment, sometimes of impatience, saying, "Mr. Curran, I know your cleverness; but it's quite in vain for you to go on. I see the drift of it all, and you are only giving yourself and me unnecessary trouble." Upon one of these occasions, the judge having frequently interposed to prevent the counsel's putting

forward some topic that was really relative and necessary to his case, declaring, as often as it was attempted, that the tendency of his argument was quite obvious, and that he was totally straying from the question, Mr. Curran addressed him thus: "Perhaps, my Lord, I am straying; but you must impute it to the extreme agitation of my mind. I have just witnessed so dreadful a circumstance, that my imagination has not yet recovered from the shock." His lordship was now all attention.—"On my way to court, my lord, as I passed by one of the markets, I observed a butcher proceeding to slaughter a calf. Just as his hand was raised, a lovely little child approached him unperceived, and, terrible to relate—I still see the life-blood gushing out—the poor child's bosom was under his hand, when he plunged his knife into—into"——"Into the bosom of the child!" cried out the judge, with much emotion—"Into the *neck of the calf*, my lord; but your lordship sometimes anticipates."

There are no reports of Mr. Curran's early speeches at the bar; but the celerity of his ascent to distinction in his profession, and in the public estimation, may be inferred from the date of his entrance into parliament. He had been only seven years at the bar, when Mr. Longfield (afterwards Lord Longueville) had him returned for a borough in his disposal*. At this time boroughs were the subject of notorious traffic, and it seldom happened that the members returned for them did not bind themselves to remunerate the patrons in money or in services. There was no such stipulation in the present instance: the seat was given to Mr. Curran upon the express condition of perfect freedom on his part; but having soon differed from Mr. Longfield on political subjects, and there being then no way of vacating, he insisted upon purchasing a seat, to be filled by any

* The borough of Kilbeggan, for which the other member was the celebrated Mr. Flood. It was also about this period that Mr. Curran obtained a silk gown.

person whom that gentleman should appoint; an arrangement against which, it is but justice to add, that Mr. Longfield anxiously endeavoured to dissuade him*.

* In the succeeding parliament Mr. Curran also came in, at his own expense, for the borough of Rathcormack.

CHAPTER V.

The Irish House of Commons in 1783—Sketch of the previous history of Ireland—Effects of the revolution of 1688—Catholic penal code—System of governing Ireland—Described by Mr. Curran—Intolerance and degradation of the Irish parliament—Change of system—Octennial bill—American revolution—Its effects upon Ireland—The Irish volunteers—Described by Mr. Curran—Their numbers, and influence upon public measures—Irish revolution of 1782—Mr. Grattan's public services—Observations upon the subsequent conduct of the Irish parliament.

It was at the eventful era of 1783, that Mr. Curran became a member of the Irish House of Commons, an assembly at that day thronged with groups of original historic characters*, the vigorous product of

* Of some of these, Mr. Grattan (in his Answer to Lord Clare's pamphlet, 1801) has given the following masterly sketches, over which he has perhaps unconsciously distributed the noble traits, which, if collected, would form the portrait of himself.

"I follow the author through the graves of these honourable dead men, for most of them are so, and I beg to raise up their tombstones as he throws them down; I

unsettled times; great public benefactors, great public delinquents, but both of rare

feel it more instructive to converse with their ashes than with his compositions.

" Mr. Malone*, one of the characters of 1753, was a man of the finest intellect that any country ever produced. ' The three ablest men I have ever heard, were Mr. Pitt (the father), Mr. Murray, and Mr. Malone. For a popular assembly I would choose Mr. Pitt; for a privy council, Murray; for twelve wise men, Malone.' This was the opinion which Lord Sackville, the secretary of 1753, gave to a gentleman from whom I heard it. ' He is a great sea in a calm,' said Mr. Gerrard Hamilton, another great judge of men and talents: ' Ay,' it was replied, ' but had you seen him when he was young, you would have said he was a great sea in a storm.' And like the sea, whether in calm or storm, *he was a great production of nature.*

" Lord Pery.—He is not yet canonized by death; but he, like the rest, has been canonized by slander. He was more or less a party in all those measures which the pamphlet condemns, and indeed in every great statute and measure that took place in Ireland for the last fifty years. A man of the most legislative capacity I ever knew, and the most comprehensive reach of understanding I ever saw; with a deep engraven impression of public care,

* Mr. Malone was no more in 1783, but his portrait is preserved that the group might not be disturbed.

capacity and enterprise, and exhibiting in their virtues or their crimes all the tur-

accompanied by a temper which was adamant. In his train is every private virtue that can adorn human nature.

" Mr. Brownlow; Sir William Osborne.—I wish we had more of these criminals. The former seconded the address of 1782, and in the latter, and in both, there was a station of mind that would have become the proudest senate in Europe.

" Mr. Flood; my rival, as the pamphlet calls him; and I should be unworthy the character of his rival, if in his grave I did not do him justice. He had his faults; but he had great powers, great public effect; he persuaded the old, he inspired the young; the Castle vanished before him. On a small subject he was miserable: put into his hand a distaff, and, like Hercules, he made sad work of it; but give him the thunderbolt, and he had the arm of a Jupiter. He misjudged when he transferred himself to the English parliament; he forgot that he was a tree of the forest, too old and too great to be transplanted at fifty; and his fate in the British parliament is a caution to the friends of union to stay at home, and make the country of their birth the seat of their action.

" Mr. Burgh.—Another great person in those scenes which it is not in the little quill of this author to depreciate. He was a man singularly gifted, with great talent, great variety—wit, oratory, and logic. He too had his weakness; but he had the pride of genius also,

bulent energy of the storms that were agitating their country. The Irish revo-

and strove to raise his country along with himself, and never sought to build his elevation on the degradation of Ireland.

" I moved an amendment for a free export; he moved a better amendment, and he lost his place. I moved a declaration of right; ' With my last breath will I support the right of the Irish parliament,' was his note to me when I applied to him for his support; he lost the chance of recovering his place and his way to the seals, for which he might have bartered. The gates of promotion were shut on him as those of glory opened.

" Mr. Daly; my beloved friend. He in a great measure drew the address of 1779 in favour of our trade, that ' ungracious measure;' and he saw, read, and approved of the address of 1782 in favour of our constitution, that ' address of separation.' He visited me in my illness at that moment, and I had communication on those subjects with that man whose powers of oratory were next to perfection, and whose powers of understanding I might say, from what has lately happened, bordered on the spirit of prophecy.

" Mr. Forbes.—A name I shall ever regard, and a death I shall ever deplore. Enlightened, sensible, laborious, and useful; proud in poverty, and patriotic: he preferred exile to apostacy, and met his death. I speak of the dead—I say nothing of the living; but that I attribute to this constellation of great men, in a great measure,

lution of 1782, with the memorable acts and deliberations of which period the political history of Ireland commences, had just taken place; and although it preceded by a little time Mr. Curran's entrance into parliament, it still cannot but be adverted to as an event which had a powerful influence upon the fortune and conduct of his future life. He was of too ardent a temper not to be deeply moved by the circumstances which accompanied that measure: he was the familiar friend of the eminent parliamentary leaders who had been so instrumental in achieving it; he had witnessed the virtuous struggles and the scenes of civic heroism displayed by them and by the nation at this arduous crisis; and the impression that they made upon his imagination and his conviction was never after effaced. In order therefore fully to comprehend the feelings with which he entered upon his duties as an Irish senator, it will be necessary to make

the privileges of your country; and I attribute such a generation of men to the residence of your parliament."

a few observations upon the condition in which he found his country, and upon that from which she had recently emerged. The fervour of his political opinions, and his devoted adherence to the popular cause, exposed him at different periods of his life to no little calumny and reproach; but those who impartially consider the past and cotemporary history of Ireland will find in every page of it his excuse, if not his most ample justification.

For centuries Ireland had been in a state of miserable bondage; her history is but the disgusting catalogue of her sufferings, exciting to unprofitable retaliation, from which she regularly sunk, subdued but untranquillized, into a condition of more embittered wretchedness*, with the penalties of rebellion superadded to the calamities of oppression. From the period of

* "The slave, that struggles without breaking his chain, provokes the tyrant to double it, and gives him the plea of self-defence for extinguishing what at first he only intended to subdue."—Mr. Curran's speech in Howison's case.

her annexation to England in the 12th century, down to the close of the 17th, she had thus continued, barbarous and restless; too feeble and disunited to succeed, too strong, and proud, and irritated to despair; alternating in dreary succession between wild exertions of delirious strength and the troubled sleep of exhausted fury. It would be foreign to the present purpose to enter into the merits of these melancholy conflicts; to grope amidst uninteresting records, to ascertain whether Ireland as an unruly province deserved her fate, or whether her condition was attributable to an inveterate spirit of vindictive domination in the English governments. But as we approach more modern times, all obscurity on the subject ceases: we find the ruling country adopting a formal avowed design of humiliation, which, however applauded (as it still continues to be by some) under the imposing phrase of the "wisdom of our ancestors," was, in reality, founded in much injustice, and if effects be any test, in as much folly; and after agitating and

afflicting the kingdom for the last century, seems likely to visit in its consequences the next.

It was immediately after the revolution of 1688, that era of glory and freedom to England, that Ireland became the victim of this systematic plan of debasement. Her adherence to the deposed monarch and its result are familiar to all. James's party having been crushed, Ireland was treated as a conquered country, that merited nothing but chastisement and scorn. This was not the policy of the English king; it was that of the English whigs*,

* "I am sorry to reflect that since the late revolution in these kingdoms, when the subjects of England have more strenuously than ever asserted their own rights and the liberty of parliaments, it has pleased them to bear harder on their poor neighbours than has ever yet been done in many ages foregoing."—*Molyneux's Cause of Ireland.*

This little volume, written throughout with a modesty and ability worthy of the friend of Locke, was formally censured by the English House of Commons. A circumstance that preceded its publication is not without interest. The author, apprehensive of any unconscious bias upon his mind, wrote to his friend for his

the framers of the Bill of Rights, the boasted champions of liberty at home. By these men, and by their successors (who, of whatever political denomination, agreed with them in their intolerance), was Ireland, without shame or pity, dismantled of her most precious rights. Laws were made to bind her, without consulting the Irish parliament, which, when it remonstrated, was charged with riot and sedition *. Ireland's commerce was openly discouraged: a code more furious than bigotry had hitherto penned was levelled against the mass of the nation, the Roman Catholics †. They

opinion of some of the arguments; Locke replied by inviting him to pass over to England, and confer with him in person upon the subject. Molyneux complied, and after spending, as the account states, and as may be well believed, the five most delightful weeks of his life in the society of his illustrious friend, returned to Dublin and published his work.

* When the Irish commons in 1792 claimed the right of originating money bills, they were told by the viceroy, Lord Sydney, that "They might go to England and beg their majesties' pardon for their riotous and seditious assemblies."

† "You abhorred it, as I did, for its vicious perfection;

were successively excluded from the right to sit in parliament, to acquire land, to hold any employment under the crown, to vote in elections of members of parliament, to intermarry with protestants, to exercise religious worship; in short, by a kind of constructive annihilation, "the laws did not presume a papist to exist in the kingdom, nor could they breathe without the connivance of government*."

This state of national humiliation lasted almost a century. Viceroy succeeded viceroy with no other rule of government than to continue the system as he found it. A race of subordinate ministers sprang up within the land, of no public virtue, no

for I must do it justice, it was a complete system, full of coherence and consistency, well digested and well composed in all its parts. It was a machine of wise and elaborate contrivance, and as well fitted for the oppression, impoverishment, and degradation of a people, and the debasement in them of human nature itself, as ever proceeded from the perverted ingenuity of man."—*Burke's Letter to Sir H. Langrishe.*

* Such was the declaration from the bench of the Irish chancellor in 1759.

expanded thought, utterly unconscious that man can be improved; exhibiting in their heartless measures that practical ferocity for which jailors or keepers would be selected, rather than those mild and sanative qualities that might have soothed the distempers of the times. "Hence it is," said Mr. Curran, speaking of this period, "that the administration of Ireland so often presents to the reader of her history, not the view of a legitimate government, but rather of an encampment in the country of a barbarous enemy, where the object of an invader is not government but conquest; where he is of course obliged to resort to the corrupting of clans, or of single individuals, pointed out to his notice by public abhorrence, and recommended to his confidence only by a treachery so rank and consummate as precludes all possibility of their return to private virtue or to public reliance, and therefore only put into authority over a wretched country, condemned to the torture of all that petulant unfeeling asperity with which a

narrow and malignant mind will bristle in unmerited elevation; condemned to be betrayed, and disgraced, and exhausted by the little traitors that have been suffered to nestle and grow within it; who make it at once the source of their grandeur and the victim of their vices; reducing it to the melancholy necessity of supporting their consequence and of sinking under their crimes, like the lion perishing by the poison of a reptile that finds shelter in the mane of the noble animal, while it is stinging him to death*."

Ireland was in those times in as strange and disastrous a situation as can well be imagined; her own legislature hating and trampling upon her people, and the English government suspecting and despising both. There may have been sufficient intricacy in the minor details of the policy of the time, but the leading maxims appear in all the clearness of despotic simplicity. They were to awe the real or imputed dis-

* Mr. Curran's speech in Howison's case.

affection of the natives by means of a harsh domestic administration, and to check any more general exercise of power assumed by that administration as an intrusion upon the legislative supremacy of England. As far as respected internal concerns, the Irish lords and commons were a triumphant faction, despoiling and insulting the remains of a fallen enemy: in their relation with England they were miserable instruments, without confidence or dignity; armed by their employers with the fullest authority to molest or to crush, but instantly and contemptuously reminded of their own degradation, if ever they evinced any presumptuous desire to redress.

Against so unnatural a system, it is no wonder that the discountenanced claims of freedom should have no avail. If a transient scream was heard among the people, it excited immediate alarm at home, as ominous of an approaching storm*; if her

* Upon the trial of the printer of Swift's celebrated Letters of a Drapier, the lord chief-justice, Whitshed,

voice issued, as it sometimes did, from the Irish commons, it was considered a daring invasion of the rights of a higher power*. If the spirit of that house became too unruly for provincial purposes, the patriotic murmur was quickly hushed by lengthening the pension list: a given number of oppressors was required, and while a venal heart was to be had in the market, no matter how high the price, the price was paid, and the nation called on (in addition to its other burdens) to defray the expenses of its own wrongs.

Thus it continued for many years; with all the miseries of despotism without its repose: commerce extinguished, the public spirit broken, public honour and private confidence banished, and bigotry and faction alone triumphant.

declared that the author's intention was to bring in the Pretender.—*Plowden's History of Ireland*, vol. ii. p. 81.

Dr. Lucas, who ventured in his writings to vindicate the rights of the Irish commons, was declared by that house an enemy to his country, and obliged to seek for safety in exile, 1747.

* Vide question of the appropriation of the surplus, in 1753.

Sentiments of wisdom and pity at length occurred to the English cabinet: it began to doubt if the Irish people were so incurably furious as their tormentors had represented; it resolved to inquire, and if necessary, to redress. A very little investigation proved that never was some merciful interposition more opportune; it was like a visit to some secret cell to rescue the victims of imputed frenzy from their inhuman immurers, who had chained their persons and traduced their intellects, that they might prey upon their inheritance.

The subject of the first healing measure was the parliament. There was no representation of the people in Ireland: there was a house of commons, which, having no limits to its duration, had become a banditti of perpetual dictators*. The octennial bill was passed, and the hardened veterans disbanded †. This was not for the purpose of making even a nominal

* And four-fifths of the people were excluded from the elective franchise by the 1st Geo. II. c. 9.

† 1767, under the administration of Lord Townshend.

appeal to the sense of the nation; it was to give the crown an opportunity of dispersing that provincial oligarchy whose maxims had been soruinous to their country, and of substituting in their place a class of more pliant dependants, who might readily accord with the purposed lenity of the new system. As a right, or a security for a right, which nothing can give a people if they give it not themselves, this act effected little. As a diminution of calamity, as a transfer from the barbarous dominion of their domestic tyrants to the more considerate and enlightened control of the English ministry, it had its value. It was received by the nation, who have been ever as precipitate in their gratitude as in their resentments, with transports of enthusiastic and unaccustomed joy; a signal proof, if such were wanting, of their loyalty and their debasement.

The Irish house of commons, however, began now to wear in some degree the appearance of a constitutional assembly; notwithstanding the political ignominy into

which the nation had fallen, there still existed in that house a small band of able and upright men, who entertained more manly and charitable notions of a people's claims than their ungenerous opponents; and who, though they might not possess the power of redressing the immediate wrongs, were still ever at hand to refute the baneful doctrines that would have sanctioned their continuance. In the British senate too (it should be gratefully remembered) Ireland had her advocates; whose expanded minds, superior to the paltry ambition of domination, would have made the noblest use of their own privileges, that of liberally imparting them. The consequences of these better opinions occasionally appeared; the viceroy was defeated upon some constitutional questions*; the commons were reprimanded and pro-

* Among other instances of the increasing spirit of the house of commons, was their repeated rejections of money bills, *because they did not take their rise in that house.* 1769.

rogued; measures full of honour to them, and of hope to their country.

But these were only transitory visitations of spirit; the effects rather of the negligence than the weakness of the viceroy. The ranks of the opposition were soon thinned by the never failing expedient, and whatever relief was meditated for the Irish, was to come in the form of a gift, and not a concession. Relief was certainly in the contemplation of the English minister*; to what extent it is now immaterial to inquire; he was anticipated by events that were above his control.

Ireland was now upon the eve of "a great original transaction." The American colonies had revolted; the Irish linen trade with those provinces, which had been the principal of Ireland's few sources of commercial wealth, instantly vanished; to this was added a general embargo upon the exportation of provisions, lest they might circuitously reach the insurgents. Universal

* Lord North.

distress ensued. The commons for the first time assumed the attitude of representatives of the nation: they addressed the viceroy upon the public emergencies with dignity and firmness, and were dissolved*. Strenuous measures were taken by the government to secure a majority in the parliament that followed; but the crisis soon arrived when the destinies of the country were transferred to other hands.

The internal wretchedness of Ireland had been great; it was now aggravated by the dangers of war: the regular forces in the kingdom exceeded not 5,000 men, the remainder having been called off to recruit the army in America. The enemy's fleets, superior to that of Great Britain, were careering in triumph through the channel, and daily expected upon Ireland's unprotected coasts. In this emergency, the town of Belfast, having applied to government for a military reinforcement, and its requisition having been answered by an offer

* 1777.

of supply that cannot be related with gravity*, had the honour of first raising that warning voice, which, hushing every baser murmur, awoke the nation to confidence and strength. She called upon her citizens to arm in their defence. A corps of volunteers was immediately established. The noble example was ardently followed by the country at large, and Ireland soon beheld starting up with a scenic rapidity, a self-collected, self-disciplined body of forty thousand volunteers. "You cannot but remember," said Mr. Curran, describing this scene, of which he had been a witness, "that at a time when we had scarcely a regular soldier for our defence, when the old and young were alarmed and terrified with apprehensions of descent upon our coasts, that Providence seemed to have worked a sort of miracle in our favour. You saw a band of armed men

* The answer of the government was, that all the assistance it could afford was half a troop of dismounted horse, and half a company of invalids.

come forth at the great call of nature, of honour, and their country. You saw men of the greatest wealth and rank; you saw every class of the community give up its members, and send them armed into the field, to protect the public and private tranquillity of Ireland. It is impossible for any man to turn back to that period, without reviving those sentiments of tenderness and gratitude which then beat in the public bosom; to recollect amidst what applause, what tears, what prayers, what benedictions, they walked forth amongst spectators agitated by the mingled sensations of terror and of reliance, of danger and of protection, imploring the blessings of heaven upon their heads, and its conquest upon their swords. That illustrious, and adored, and *abused* body of men stood forward and assumed the title which I trust the ingratitude of their country will never blot from its history, 'The volunteers of Ireland*.'"

* Speech in Hamilton Rowan's case.

The original object of these associations had been to defend the country from foreign invasion. The administration, forgetting the loyalty of the proceeding in their affright at so unexpected an exhibition of strength and enterprise, beheld an enemy already in possession of the land, but affecting to countenance what they could not control, they supplied the volunteers with several thousand stands of arms, and looked to the return of more tranquil and servile times, to disarm and defame them.

The volunteers soon swelled into an army of 80,000 men. In their ranks appeared the most admired characters in the kingdom, animating them with the enthusiasm, and tempering the general ardour by all the courtesy, and the high moral discipline, that the presence of so many noblemen, and senators, and gentlemen could inspire. They had armed to protect the crown—no invader appeared; another and a more precious object of protection now remained. Ireland was at their disposal,

and they unanimously determined that, to consummate their work, they should continue under arms until they saw her free. They resolved "to shew, that if man descends, it is not in his own proper motion; that it is with labour and with pain, and that he can continue to sink only until by the force and pressure of the descent, the spring of his immortal faculties acquires that *recuperative* energy and effort, that hurries him as many miles aloft*."

The demands of the volunteers were altogether unlike a mere sudden ebullition of popular discontent. They were the result of deep convictions, the splendid signs of the improved opinions of the age. The example of America was before them, and the cry for redress in Ireland was but the echo of that "voice which shouted to liberty†" there. The mode of their constitution, too, was peculiarly fortunate

* Mr. Curran's speech in Finnerty's case.

† An expression of Mr. Flood's.

and authoritative. They were not a regular military force, mutinously dictating measures to the state; they were not a band of insurgents, illegal in their origin and objects. The circumstances of the times had invested the volunteers with a constitutional character. The government had recognised them, and aided their formation; the House of Commons voted them a formal declaration of thanks for their public services; the people looked up to them with admiration and respect, as a brave, united, and zealous body, combining the intelligence and moderation of loyal citizens, with the influence and resources of a powerful army.

The effects of the firmness and wisdom of their proceedings were soon apparent. The demand of the nation for a free trade, and the memorable declaration in parliament, "*that no power on earth, save the King, Lords, and Commons of Ireland, had a right to make laws for Ireland**," were no

* The words of Mr. Grattan's motion, April 19, 1780.

longer disregarded. The case of America had just shewn how a struggle for principle might terminate. "British supremacy had fallen there like a spent thunderbolt*." The bigotry, and servility, and disunion, which so long supported it in Ireland, had for the moment disappeared. Ireland declared, and England felt, that no other policy remained, "but to do justice to a people, who were otherwise determined to do justice to themselves†." The British ministry, whose infatuated counsels had lost America, and whose tardiness and insincerity with respect to Ireland had been encouraging the spirit of resistance there, were removed, and successors appointed with instructions to make such honourable concessions as were due to the services, the strength, and the just pretensions of the Irish people. The principal restrictions upon the trade of Ireland had been previously taken off. Under the Marquis of Rockingham's administration,

* Mr. Grattan's speech, Nov. 13, 1781.

† Mr. Grattan's speech, April 19, 1780.

the great leading grievance, that included in its principle so many more, was redressed. England resigned her legislative pretensions, and recognised Ireland to be a *free nation**.

This signal event, so justly denominated by Mr. Burke the Irish revolution, was the work of the Irish volunteers. Their efforts were powerfully aided by the momentary spirit which they infused into the Irish House of Commons. In many of its members, the enthusiasm vanished with the occasion; but there remained a few, whose better natures, superior to the control of accident, continued to struggle for the public good with a constancy, ability, and zeal, which sprang from within themselves. Their merits have been long since recorded: the pre-eminent merits of

* 1782.—Several important constitutional acts were passed in Ireland during this short administration. A habeas corpus act, the repeal of the perpetual mutiny bill, the act for the independence of the judges, an act in favour of dissenting protestants. A slight relaxation of the penal code had taken place in 1778.

their illustrious leader, now associated with the proudest recollections of his country, require no new attestation. For Mr. Grattan's most splendid panegyric, for the only one truly worthy of him, we are to look in what he has himself pronounced. His public exertions, the monuments of his genius and his worth, are preserved; his historian will have but to collect and refer to them, justly confiding, that as long as eloquence, patriotism, intrepidity and uncompromising honour are valued in public men, the example of Mr. Grattan will remain the subject of lasting gratitude and praise*.

* Mr. Grattan, like other men of original genius and character, has been many times in the course of his memorable career misrepresented and reviled. The following spirited defence of him against such attacks was made in the Irish House of Commons, by his friend Mr. Peter Burroughs, a gentleman, who has been long distinguished for his eloquence in the senate, and at the bar, and for the unsuspected purity of his public and private life. "I cannot repress my indignation, at the audacious boldness of the calumny, which would asperse one of the most exalted characters which any nation ever produced;

The triumph which Ireland gained in the declaration of her independence was the triumph of a principle, which, however glorious it might have been to those who achieved it, failed to confer upon the nation the benefit and repose that the political philanthropist fondly anticipated.

and that in a country which owes its liberty, and its greatness, to the energy of his exertions, and in the very house which has so often been the theatre of his glorious labours, and splendid achievements. I remember that man the theme of universal panegyric—the wonder and the boast of Ireland, for his genius and his virtue. His name silenced the sceptic, upon the reality of genuine patriotism. To doubt the purity of his motives was a heresy which no tongue dared to utter. Envy was lost in admiration; and even those whose crimes he scourged blended extorted praises with the murmurs of resentment. He covered our (*then*) unfledged constitution with the ample wings of his talents, as an eagle covers her young; like her he soared, and like her could behold the rays, whether of royal favour, or royal anger, with undazzled, unintimidated eye. If, according to Demosthenes, to grow with the growth, and decay with the decline of our country, be the true criterion of a good citizen, how infinitely did this man, even in the moment of his lowest depression, surpass those upstart patriots who only become visible when their country vanishes!"

The spirit of the parliament was exhausted in the single effort—they had emancipated themselves from the control of another legislature; but no sooner was the victory obtained, than it became evident that very few of its fruits were to be shared among the people. Great domestic abuses still prevailed; the corrupt state of the legislature*; its consequence, an enormous and increasing pension list; and, above all, the exclusion of the Roman catholics from the most valuable privileges of the constitution. There were many others of subordinate importance. From Mr. Curran's entrance into parliament, he joined those whose opinion it was that these abuses should be corrected. The result of the exertions of himself and the party with

* According to a table of the state of the representation of Ireland, published in 1783, out of the 300 members of the House of Commons, (viz. for 32 counties, 64 knights; for seven cities, 14 citizens; for one university, two representatives; for 110 boroughs, 220 burgesses,) the people returned 81, including the 64 for counties, and the patrons the remaining 219.

which, for the fourteen years that he was a senator, he acted, is shortly told. They almost uniformly failed in every measure that they brought forward or opposed. It would far exceed the limits and the objects of this work to discuss at any length the merits of these several measures, some of which continue to this day the subject of anxious controversy upon another and a greater theatre. Yet it may be observed, that the acts of the Irish legislature during the period in question afford matter, if not of a very attractive kind, at least of very solemn and important instruction. Whoever takes the pains to examine them will find how transitory, and almost valueless to a nation the glory of asserting nominal rights, if there be not diffused throughout its various classes that fund of conservative virtue and spirit, which alone can give dignity and stability to its independence, by operating as a perpetual renewal of its claims. He will find one practical and terrible example (illustrated by continued discontents and disturb-

ances, and finally by a rebellion), of the folly of expecting that human beings, in whom the political passions have been once awakened, can be attached, or even reconciled, to the most admired form of government, by any other means, than by a real and conscientious communication of those privileges, for which they would deem it dishonourable not to thirst. For the last eighteen years of her separate existence, Ireland was in the theoretic enjoyment of the same constitution which has long made Great Britain the wonder of other nations; but in Ireland, however boasted the acquisition, it soon appeared to be but a lifeless copy, minutely exact in external form, but wanting all the vigour, and warmth, and imparting spirit of the glorious original. The Irish legislature, seduced by their fatal ardour for monopoly, would not see that their own emancipation had sent abroad a general taste for freedom, which it was most perilous to disappoint. Unwisely and ungenerously separating their interests and

pride from those of their country, they preferred taking a weak and hostile position upon the narrow ground of exclusive privilege, instead of taking their stand, where there was ample space for the parliament and people, and for all, upon the base of the British constitution*. They affected to think that the time had not arrived when the Catholic could be trusted; as if the enjoyment of rights and confidence for a single year would not prove a more instructive school of fidelity than centuries of suspicion and exclusion. But in reality, it does not appear from the transactions of those times, that the minds of the excluded catholics were less matured.

* "I have read" (said Mr. Curran, speaking of these unpopular maxims of the Irish Parliament,) "I have read the history of other nations. I have read the history of yours. I have seen how happily you emerged from insignificance, and obtained a constitution. But when you washed this constitution with the waters which were to render it invulnerable, you forgot that the part by which you held it was untouched in the immersion; it was benumbed, and not rendered invulnerable, and should therefore attract your nicest care."—*Irish Par. Deb.* 1787.

for all the responsibilities of independence than those of the Irish aristocracy, upon whom alone the recent revolution had conferred it. The 80,000 volunteers, who had been the instruments of that independence, were not a protestant association. The depreciated catholic was in their ranks, adding the authority of his strength, his zeal, and his moderation, to the cause of the Irish parliament, and not unreasonably confiding, that in the hour of victory his services would be remembered. These services and claims were however forgotten; and here it is that the Irish legislature will be found utterly unworthy of that controlling power, which they had lately acquired over the destinies of their country,—in abandoning, as they did, a proud, irritated, and robust population, to all the contingent suggestions and resources of their indignation—in not having "interposed the constitution," to save the state.

But the point of view, in which a regular history of the latter conduct and

character of the Irish House of Commons would supply matter of no ordinary interest to a lover of the British constitution, is in the example which it would afford, of an assembly, founded upon the model of that constitution, exhibiting itself in its stage of final deterioration. In Ireland the prediction of Montesquieu * has been verified—not in all its dismal extent, for Irish independence has found an *euthanasia* peculiar and accidental; but still the spectacle of legislative immorality, and its instructive warnings, are the same. The corrupted Commons of Ireland surrendered all that was demanded—all that a few years before they had gloried in having acquired; and if a valuable portion of their country's rights and hopes was not included in the sale, the praise of having respected them is due to the wisdom and mercy of the purchasers, and not to any honourable reluctance on the side of the

* "That the British constitution would not survive the event of the legislative power becoming more corrupt than the executive."—*Spirit of Laws.*

mercenary sellers. In whatever light the act of union be viewed, in its ultimate consequences, to the empire the assembly which perpetrated it must be considered as having reached the farthest limits of degeneracy; because the terms on which they insisted have stamped upon them a character of political dishonour, that disdained every control of compunction or of pride. For if the surrender to which they consented was regarded by them as a sacrifice of Ireland's rights, how enormous and unmitigated the delinquency!—or if, on the other hand, they imagined it to be essential to the welfare of the empire, how vile and fallen that spirit which could degrade a necessary act of state into a sordid contract! The parliament that could do this had no longer any morals to lose,—and therefore it is that the constitutional Englishman, who is labouring to procrastinate the fulfilment of the prophecy that impends over his own hitherto more fortunate country, is referred for abundant illustrations of the

apprehended crisis to the decline and fall of the Irish legislature. In contemplating that scene, he will have an opportunity of observing the great leading symptoms, and (which may equally deserve his attention) of discerning the minute, but no less unerring signs which portend that the spirit which gives it life is about to depart from the representative body: and should it ever be his calamity to witness, what he will find Ireland was condemned to see, the members of that body betraying, by their conduct and language, that they held their station as a portion of their private property, rather than as a temporary public trust—should he observe a general and insatiate appetite for power, for the sake of its emoluments and not its honours—should he see, as Ireland did, grave and authenticated charges of public delinquency answered by personal menaces, or by most indecent ridicule,—skilful duellists and jesters held in peculiar honour,—public virtue systematically discountenanced, by imputing its profession

to a factious disappointed spirit—should he see, within the walls of the Commons' assembly, a standing brigade of mercenaries, recognising no duty beyond fidelity to their employers, the Swiss defenders of any minister or any principle—should he, lastly, observe a marked predilection for penal restraints, an unseemly propensity to tamper with the constitution, by experimental suspensions of its established usages—should Englishmen ever find all, or many of these to be the characteristics of the depositaries of their rights, let them remember the prediction of the philosopher, and the fate of Ireland, and be assured that their boasted securities are becoming but a name.

But to record at length the progress of that fate, to dwell in any detail upon the various characters, and the various inducements (whether of hope, or terror, or avarice, or ambition, or public duty,) of the men who accelerated, and of those who would have averted the catastrophe, might well be the subject of a separate and

a very considerable work. It will be sufficient for the purposes of Mr. Curran's history to have made these cursory allusions to the spirit of the times in which he acted, leaving more ample developments of it to himself, in the specimens of his eloquence that will be found in the following pages.

Mr. Curran's parliamentary speeches have been always and justly considered as inferior to his displays at the bar. To this deficiency many circumstances contributed. Depending solely upon his profession for support, he was not only seldom able to give an undivided attention to the questions that were brought before the senate, but he perpetually came to the discussion of them, exhausted by the professional labours of the day. The greater number of the important questions that emanated from the opposition were naturally introduced by the older leaders of that party; while he, whose talents were most powerful in reply, was reserved to combat the arguments of the other side.

The debates, upon these occasions, were in general protracted to a very late hour, so that it often happened, when Mr. Curran rose to speak, that the note-takers were sleeping over their task, or had actually quitted the gallery. But, most of all, the same carelessness of fame, which has left his speeches at the bar in their present uncorrected state, has irretrievably injured his parliamentary reputation. While other members sat up whole nights retouching their speeches for publication, he almost invariably abandoned his to their fate, satisfied with having made the exertion that his sense of duty dictated; and deeming it of little moment that what had failed of success within the house should circulate and be applauded without*.

* Another circumstance contributed greatly to the inaccuracy of the reported speeches of such opposition members as would not take the pains of correcting them. The most skillful note-takers, of whom the number was very small, were in the service of the government, and considered it a part of their duty to suppress whatever it might not be agreeable to the administration to see published.

Notwithstanding these disadvantages, however, his career in parliament supplies much that is in the highest degree honourable to his talents, and spirit, and public integrity; of which the leading examples shall be adverted to as they occur in the order of time.

CHAPTER VI.

Mr. Flood's plan of parliamentary reform—Mr. Curran's contest and duel with Mr. Fitzgibbon (afterwards Lord Clare)—Speech on pensions—His professional success—Mode of life—Occasional verses—Visits France—Letters from Dieppe and Rouen—Anecdote—Letter from Paris—Anecdote—Letter from Mr. Boyse—Anecdote of Mr. Boyse—Letters from Holland.

THE first occasion upon which Mr. Curran's name appears in the parliamentary register, is in the tempestuous debate of November 29, 1783, upon Mr. Flood's proposition for a reform in parliament. The convention of volunteers, by whom Mr. Flood's plan had been approved, was still sitting in Dublin. About four o'clock in the afternoon of the 29th of November, that gentleman rose in the convention, and proposed that he, accompanied by such members of parliament as were then present, should immediately go down to the house of commons, and move for leave to bring in a bill exactly corresponding

with the plan of reform approved of by them, and that the convention should not adjourn till the fate of his motion was ascertained. Lord Charlemont's biographer, who, apparently with much reason, condemns the violence of this proceeding, describes the scene in the house of commons as terrific: several of the minority, and all the delegates from the convention, appeared in their military uniforms. As to the debate, "it was uproar, it was clamour, violent menace, and furious recrimination*." In the little that Mr. Curran said, he supported Mr. Flood's motion.

In the following month he spoke at more length in prefacing a motion on the right of the house of commons to originate money bills; but as neither this, nor any of his parliamentary speeches during the sessions of 1783 and 1784, contain much that is remarkable, it would be unnecessarily

* *Hardy's Life of Lord Charlemont*, page 270; where the particulars of this interesting scene are very strikingly detailed.

swelling these pages to dwell upon them in detail.

In the year 1785 took place his quarrel with the late Lord Clare (then Mr. Fitzgibbon, the attorney general) an event which deeply affected his future fortunes. During Mr. Curran's first years at the bar they had been on terms of polite and even familiar intercourse *; but the dissimilarity of their public characters, the high aristocratic arrogance of the one, and the popular tenets of the other, soon separated them; even their private tastes and habits would have forbidden a lasting friendship. Lord Clare despised literature, in which Mr. Curran so delighted. The one in private as in public disdained all the arts of winning; he was sullen or overbearing, and when he condescended to be jocular was generally offensive. The other was in all companies the reverse; playful, communicative, and conciliating. Mr. Curran

* The first bag that Mr. Curran ever carried was presented to him by Mr. Fitzgibbon, *for good luck sake.*

never, like his more haughty rival, regulated his urbanity by the rank of his companions; or if he did, it was by a diametrically opposite rule; the more humble the person, the more cautiously did he abstain from inflicting pain. For all those lighter talents of wit and fancy which Mr. Curran was incessantly and almost involuntarily displaying, Lord Clare had a real or an affected contempt, and would fain persuade himself that they were incompatible with those higher powers which he considered could alone raise the possessor to an equality with himself. Mr. Curran was perhaps equally hasty in underrating the abilities of his antagonist. Detesting his arbitrary principles, and disgusted with his unpopular manners, he would see nothing in him but the petty despot, ascending to a bad eminence by obvious and unworthy methods, and therefore meriting his unqualified hatred and invective.

With such elements of personal dislike and political hostility, it is not surprising that when they met they should clash, and

that the conflict should be violent and lasting. The very destinies of the two men seemed to have placed them where their contrasted qualities and peculiar force might be most strikingly displayed. Lord Clare was fitted by nature to attain power and to abuse it. Many men of inferior capacity might have attained as much; but without his resources and perseverance, few could have continued so long to abuse it with impunity. Mr. Curran was either ignorant of or despised the arts which led to station: his talent lay not in defending doubtful measures or selecting political expedients, but in exposing violated trust, in braving and denouncing public delinquents, in pathetic or indignant appeals to those natural elementary principles of human rights, against which political expedients are too frequently directed. He could never, like Lord Clare, have managed a venal restless aristocracy, so as to command their concurrence in a long system of unpopular encroachments; nor like him have continued for years to face the public

reprobation of such conduct: as little could the latter, had he sided with the people, have brought to their cause such varied stores of wit and ridicule, and persuasive eloquence, as the harangues of his more gifted rival display.

In a debate on attachments in the Irish house of commons, (1785) as Mr. Curran rose to speak against them, perceiving that Mr. Fitzgibbon had fallen asleep on his seat, he thus commenced: "I hope I may say a few words on this great subject without disturbing the sleep of any right honourable member, and yet perhaps I ought rather to envy than blame the tranquillity of the right honourable gentleman. I do not feel myself so happily tempered as to be lulled to repose by the storms that shake the land. If they invite rest to any, that rest ought not to be lavished on the guilty spirit*." Provoked by these

* Although Mr. Curran appears here to have commenced hostilities, it should be mentioned, that he was apprized of Mr. Fitzgibbon's having given out in the ministerial circles that he should take an opportunity

expressions, and by the general tenor of the observations that followed, Mr. Fitzgibbon replied to Mr. Curran with much personality, and among other things denominated him a *puny babbler*. The latter retorted by the following description of his opponent. "I am not a man whose respect in person and character depends upon the importance of his office; I am not a young man who thrusts himself into the foreground of a picture, which ought to be occupied by a better figure; I am not one who replies with invective when sinking under the weight of argument; I am not a man who denies the necessity of a parliamentary reform at the time that he proves its expediency by reviling his own constituents, the parish-clerk, the sexton, and grave-digger; and if there be any man

during this debate, in which he knew that Mr. Curran would take a part, *of putting down the young patriot.* The Duchess of Rutland and all the ladies of the Castle were present in the gallery to witness what Mr. Curran called, in the course of the debate, "this exhibition by command."

who can apply what I am not to himself, I leave him to think of it in the committee, and contemplate upon it when he goes home." The result of this night's debate was a duel between Mr. Curran and Mr. Fitzgibbon: after exchanging shots they separated, only confirmed in their feelings of mutual aversion, of which some of the consequences will appear hereafter.

One of the public grievances, which the Irish opposition frequently but vainly attempted to redress, was the enormity of the pension list. On the 13th of May in this year, (1786) Mr. Forbes brought forward a motion upon the subject, which, as usual, failed. A part of Mr. Curran's speech upon that occasion may be given as a specimen of the lighter mode of attack to which he sometimes resorted where he saw that gravity would have been unavailing; and it may be observed that this, like many more of the same kind, are historical documents, which are perhaps the most descriptive of the times. The very absence of serious remonstrance shews that serious

remonstrance had been exhausted, and that nothing remained but that ridicule should take its vengeance upon those whom argument could not reform*.

"I am surprised that gentlemen have taken up such a foolish opinion as that our constitution is maintained by its different component parts mutually checking and controlling each other. They seem to think, with Hobbes, that a state of nature is a state of warfare, and that, like Mahomet's coffin, the constitution is suspended, by the attraction of different powers. My friends seem to think that the crown should be restrained from doing wrong by a physical necessity, forgetting that if you take away from a man all power to do wrong, you at the same time take away from him all merit of doing right; and by making it impossible for men to run into slavery, you

* Upon this occasion Mr. Grattan caused the pension list to be read aloud by the clerk, and concluded his speech by saying, "If I should vote that pensions are not a grievance, I should vote an impudent, an insolent, and a public lie."

enslave them most effectually. But if instead of the three different parts of our constitution drawing forcibly in right lines at opposite directions, they were to unite their power and draw all one way, in one right line, how great would be the effect of their force, how happy the direction of this union! The present system is not only contrary to mathematical rectitude, but to public harmony: but if instead of Privilege setting up his back to oppose Prerogative, he was to saddle his back and invite Prerogative to ride, how comfortably might they both jog along; and therefore it delights me to hear the advocates for the royal bounty flowing freely, and spontaneously, and abundantly as Holywell in Wales. If the crown grants double the amount of the revenue in pensions, they approve of their royal master, for he is the breath of their nostrils.

"But we will find that this complaisance, this gentleness between the crown and its true servants, is not confined at home; it extends its influence to foreign powers.

Our merchants have been insulted in Portugal, our commerce interdicted. What did the British lion do? Did he whet his tusks? Did he bristle up and shake his mane? Did he roar? No, no such thing; the gentle creature wagged his tail for six years at the court of Lisbon; and now we hear from the Delphic oracle on the treasury bench, that he is wagging his tail in London to Chevalier Pinto, who he hopes soon to be able to tell us will allow his lady to entertain him as a lap-dog; and when she does, no doubt the British factory will furnish some of their softest woollens to make a cushion for him to lie upon. But though the gentle beast has continued so long fawning and couching, I believe his vengeance will be great as it is slow, and that that posterity whose ancestors are yet unborn will be surprised at the vengeance he will take.

"This polyglot of wealth, this museum of curiosities, the pension list, embraces every link in the human chain, every description of men, women, and children, from the

exalted excellence of a Hawke or a Rodney, to the debased situation of a lady who humbleth herself that she may be exalted. But the lessons it inculcates form its greatest perfection.. It teacheth that sloth and vice may eat that bread which virtue and honesty may starve for after they have earned it: it teaches the idle and dissolute to look up for that support which they are too proud to stoop and earn: it directs the minds of men to an entire reliance upon the ruling power of the state, who feeds the ravens of the royal aviary that cry continually for food: it teaches them to imitate those saints on the pension list that are like the lilies of the field, they toil not, neither do they spin, and yet are arrayed like Solomon in his glory: in fine, it teaches a lesson, which indeed they might have learned from Epictetus, that it is sometimes good not to be over virtuous; it shews that in proportion as our distresses increase, the munificence of the crown increases also; in proportion

as our clothes are rent the royal mantle is extended over us.

"But notwithstanding the pension list, like charity, covers a multitude of sins, give me leave to consider it as coming home to the members of this house; give me leave to say, that the crown, in extending its charity, its liberality, its profusion, is laying a foundation for the independence of parliament; for hereafter, instead of orators or patriots accounting for their conduct to such mean and unworthy persons as freeholders, they will learn to despise them, and look to the first man in the state; and they will by so doing have this security for their independence, that while any man in the kingdom has a shilling they will not want one.

"Suppose at any future period of time the boroughs of Ireland should decline from their present flourishing and prosperous state,—suppose they should fall into the hands of men who would wish to drive a profitable commerce by having members

of parliament to hire or let; in such a case a secretary would find a great difficulty, if the proprietors of members should enter into a combination to form a monopoly. To prevent which in time, the wisest way is to purchase up the raw material, young members of parliament just rough from the grass; and when they are a little bitted, and he has got a pretty stud, perhaps of seventy, he may laugh at the slave merchant. Some of them he may teach to sound through the nose like a barrel-organ: some in the course of a few months might be taught to cry, Hear! hear! some, Chair! chair! upon occasion; though these latter might create a little confusion if they were to forget whether they were calling inside or outside of these doors. Again, he might have some so trained, that he need only pull a string, and up gets a repeating member; and if they were so dull that they could neither speak nor make orations (for they are different things) he might have them taught to dance, *pedibus ire in sen-*

tentiam. This improvement might be extended; he might have them dressed in coats and shirts all of one colour, and of a Sunday he might march them to church, two and two, to the great edification of the people, and the honour of the Christian religion afterwards, like the ancient Spartans, or the fraternity at Kilmainham, they might dine all together in a large hall. Good heaven! what a sight to see them feeding in public, upon public viands, and talking of public subjects, for the benefit of the public! It is a pity they are not immortal; but I hope they will flourish as a corporation, and that pensioners will beget pensioners to the end of the chapter."

Mr. Curran was now (1786) in full practice at the bar. It may be acceptable to hear the manner in which he spoke himself of his increasing celebrity. The following is an extract from one of his private letters of this period.

"Patterson, chief justice of the common pleas, has been given over many days, but

still holds out. My good friend Carleton* succeeds him. Had he got this promotion some time ago, it might have been of use to me, for I know he has a friendship for me; but at present his partiality can add little to whatever advantage I can derive from his leaving about four thousand a year at the bar.

"I understand they have been puffing me off to you from this (Dublin). I have been indeed very much employed this term, and I find I have the merit imputed to me of changing a determination which the Chancellor had formed against Burroughs†, a few days ago. He has really been uncommonly kind and polite to me. This, I believe, is the first time I ever became my own panegyrist, therefore ex-

* The present Lord Carleton.

† The present Sir William Burroughs, Bart.; lately one of the judges of the supreme court of judicature at Calcutta. The cause to which Mr. Curran's letter alludes was that of Newbery and Burroughs; by his exertions in which he had acquired a considerable accession of fame.

cuse it: I should scarcely mention it for any vanity of mine, if it were not of some little value to others; tot it up therefore on the table of pence, not on the scale of vain-glory."

His life at this time was passed in a uniform succession of the same occupations, his professional and parliamentary duties. The intervals of business he generally spent at Newmarket, where he had taken a few acres of land, and built a house, to which he gave the name of the Priory, as the residence of the Prior of the Order of St. Patrick. In Dublin the reputation of his talents and his convivial powers introduced him to every circle to which he could desire to have access: in the country he entered into all the sports and manners of his less polished neighbours, with as much ardour as if it was with them alone that he had passed, and was to pass, his days. The ordinary routine of his profession took him twice every year to Munster*; and

* Upon one of these journeys, and about this period, as Mr. Curran was travelling upon an unfrequented road,

among the many attractions of that circuit, he always considered as one of the greatest,

he perceived a man in a soldier's dress, sitting by the road side, and apparently much exhausted by fatigue and agitation. He invited him to take a seat in his chaise, and soon discovered that he was a deserter. Having stopt at a small inn for refreshment, Mr. Curran observed to the soldier, that he had committed an offence of which the penalty was death, and that his chance of escaping it was but small: "Tell me, then, (continued he) whether you feel disposed to pass the little remnant of life that is left you in penitence and fasting, or whether you would prefer to drown your sorrow in a merry glass?" The following is the deserter's answer, which Mr. Curran, in composing it, adapted to a plaintive Irish air.

1.

If sadly thinking, with spirits sinking,
Could more than drinking my cares compose,
A cure for sorrow from sighs I'd borrow,
And hope to-morrow would end my woes.
But as in wailing there's nought availing,
And Death unfailing will strike the blow,
Then for that reason, and for a season,
Let us be merry before we go!

2.

To joy a stranger, a way-worn ranger,
In every danger my course I've run;
Now hope all ending, and Death befriending,
His last aid lending, my cares are done:

the frequent opportunities it gave him of visiting and spending some happy hours with two of his oldest and dearest friends, (once his college fellow-students), the Rev. Thomas Crawford, of Lismore, and the Rev. Richard Carey, of Clonmel; both of them persons unknown to fame, but both so estimable, as men, and scholars, and companions, that his taste and affections were perpetually recalling him to the charms of their society.

It may not be a very dignified circumstance in his history, yet it must be mentioned, that his arrival at Newmarket was always considered there as a most important event. Gibbon somewhere observes that one of the liveliest pleasures which the pride of a man can enjoy, is to re-appear in a more splendid condition among those who had known him in his obscurity. If Mr. Curran had been proud, he might

No more a rover, or hapless lover,
My griefs are over, and my glass runs low;
Then for that reason, and for a season,
Let us be merry before we go!

have enjoyed this pleasure to the full. Upon the occasion of every return to the scene of his childhood, visits and congratulations upon his increasing fame poured in upon "the counsellor" from every side. "His visitors," (according to his own description), "were of each sex and of every rank, and their greetings were of as many kinds. Some were delivered in English, some in Irish, and some in a language that was a sort of compromise between the two —some were communicated verbally— some by letter or by deputy, the absentees being just at that moment 'in trouble,' which generally meaned, having been lately committed for some 'unintentional' misdemeanour, from the consequences of which, who could extricate them so successfully as 'the counsellor?'—some came in prose—some in all the pomp of verse; for Mr. O'Connor, the roving bard, (of whom Mr. Curran used to say, that if his imagination could have carried him as far as his legs did, he would have been the most astonishing poet of the age) was never absent; at whatever stage of their

poetical circuit he and his itinerant muse might be, the moment certain intelligence reached them that the master of the Priory had arrived, they instantly took a short cut across the country, and laid their periodical offering at the feet of him whose high fortune they had of course been the first to predict."

All these petty honours gratified his heart if not his pride, and he never fastidiously rejected them. Those who came from the mere ambition of a personal interview he sent away glorying in their reception, and delighted with his condescension and urbanity; to those who seemed inclined "to carry away any thing rather than an appetite," he gave a dinner. The village disturber of the peace had once more a promise that his rescue should be effected at the ensuing assizes, while the needy laureat seldom failed to receive the "*crown*," which he had "long peferred to the freshest laurels*."

* The poetry of the roving bard has by some accident perished; but his name is preserved in a short and unambitious specimen of his favourite art. His muse at

In the year 1787 Mr. Curran visited France, a country for whose literature

one time became so importunate, that Mr. Curran found it necessary to discourage her addresses; instead therefore of rewarding one of her effusions with the expected donation, he sent the bard the following impromptu:

A collier once, in days of yore,
From fam'd Newcastle's mines, a store
Of coals had rais'd, and with the load
He straightway took Whitehaven road;
When thither come, he look'd around,
And soon a ready chap he found;
But after all his toil and pain,
He measured out his coals in vain,
For he got nought but coals again.
Thus Curran takes O'Connor's lays,
And with a verse the verse repays;
Not *verse* indeed as good as thine,
Nor rais'd from such a genuine mine;
But were it better, 'twere in vain
To emulate O'Connor's strain.
Then take, my friend—and freely take,
The verses for the poet's sake:
Yet one advice from me receive,
'Twill many vain vexations save;
Should, by strange chance, your muse grow poor,
Bid her ne'er seek a poet's door.

The disappointed bard retorted; and his concluding verse,

and manners he had had a very early predilection. The following letters give an

If you're paid such coin for your law,
You'll ne'er be worth a single straw,

was felt to contain so important and undeniable a truth, that his solicitations could be no longer resisted. These are trifles; but the subject of these pages gladly sought relief in them, when satiated with more splendid cares.

Mr. Curran composed two other little poems, of a different description, about this time. The first of the following has been praised, as possessing peculiar delicacy of thought, by the most admired poet that Ireland has produced.

ON RETURNING A RING TO A LADY.

Thou emblem of faith—thou sweet pledge of a passion
By heaven reserved for a happier than me,—
On the hand of my fair go resume thy lov'd station,
Go bask in the beam that is lavish'd on thee!
And if, some past scene thy remembrance recalling,
Her bosom shall rise to the tear that is falling,
With the transport of love may no anguish combine,
But be *hers* all the bliss—and the sufferings all *mine!*

Yet say, (to thy mistress ere yet I restore thee),
Oh say why thy charm so indifferent to me?
To her thou art dear,—then should I not adore thee?
Can the heart that is hers be regardless of thee?
But the eyes of a lover, a friend, or a brother,
Can see nought in thee, but the flame of another;

account of its first impressions on him; and, however carelessly written, their in-

On me then thou'rt lost; as thou never couldst prove
The emblem of faith or the token of love.

But, ah! had the ringlet thou lov'st to surround—
Had it e'er kiss'd the rose on the cheek of my dear,
What ransom to buy thee could ever be found,
Or what force from my heart thy possession could tear?
A mourner, a suff'rer, a wanderer, a stranger—
In sickness, in sadness, in pain, and in danger,
Next my heart thou shouldst dwell till its last gasp were o'er,—
Then *together* we'd sink—and I'd part thee no more.

ON MRS. BILLINGTON'S BIRTH-DAY.

1.

The wreath of love and friendship twine,
And deck it round with flow'rets gay,—
Tip the lip with rosy wine,
'Tis fair Eliza's natal day!

2.

Old Time restrains his ruthless hand,
And learns one fav'rite form to spare;
Light o'er her tread, by his command,
The Hours, nor print one footstep there.

3.

In amorous sport the purple Spring
Salutes her lips, in roses drest;
And Winter laughs, and loves to fling
A fleak of snow upon her breast.

sertion will be at least some relief to the harsher scenes of political contention, which occupy so much of his future history.

"Dieppe, Friday, August 31st, 1787.

"My last from Brighton told you I was setting sail,—I did so about eight o'clock yesterday evening, and after a pleasant voyage landed here this day at twelve. To-morrow I set out for Rouen, where I shall probably remain two or three days.

"I cannot say the first view of France has made a very favourable impression on me. I am now writing in the best lodging room in the best inn of Dieppe, l'hôtel de la Ville de Londres. Monsieur de la Rue, the host, danced up to me on board the packet, did every thing I wanted, and offered a thousand services that I had no occasion for. I mounted to my present apartment by a flight of very awkward

4.

So may thy days, in happiest pace,
Divine Eliza, glide along!
Unclouded as thy angel face,
And sweet as thy celestial song!

stairs; the steps, some of brick, some of wood, but most of both. The room contains two old fantastical chests of drawers, —a table, on which I now write,—four chairs with cane backs and bottoms, and a bed five feet from the bricks that compose the floor (the first floor); the walls half covered with lime and half with a miserable tapestry. I dined very well, however, on a small fish like a trout, a beef steak, and a bottle of Burgundy, which the maid that attended me would not admit to be 'chevalier.'

"I then walked out to see the town, and, God knows, a sad sight it is: it seems to have been once better, but it is now strength fallen into ruin, and finery sunk into decay. It smote me with a natural sentiment of the mortality of all human things; and I was led by an easy transition to inquire for the churches. I inquired of a decent looking man, who sat at a door knitting stockings, and he with great civility stopped his needles, and directed me to the church of St. Jacques, having

first told me how fine it was, and how many years it was built. It has a profusion of sculpture in it, and I suspect not of the best kind; however, the solemnity of the whole made amends, and indeed I think well might, for that deficiency, to me who am so little a connoisseur in the matter. I could not but respect the disinterestedness and piety of our ancestors, who laboured so much to teach posterity the mortality of man; and yet, on turning the idea a little, I could not but suspect that the vain-glory of the builders of pyramids and temples was no small incentive to their labours: why else engrave the lesson of mortality in characters intended to endure for ever, and thus become an exception to the rule they would establish? But I am turning preacher instead of traveller.

"I reserved the view of the inhabitants for the last. Every nation, 'tis said, has a peculiar feature. I trust poor France shall not be judged of in that point by Dieppe. I had expected to see something odd on

my arrival, but I own I was unprepared for what I met; the day was warm, and perhaps the better sort of people were all within. Many hundreds were busy on the quays and streets, but any thing so squalid, so dirty, and so ugly, I really never saw. At some little distance I mistook the women for sailors, with long boddices, and petticoats not completely covering their knees, which I really took for trowsers; however, on a nearer view, I saw their heads covered with linen caps, their beards unshaved, and perceived they wore slippers with rather high heels; by which, notwithstanding the robust shape of their legs, and their unusual strut, I ascertained their sex sufficiently for a traveller.

"I may say truly, I did not see a being this day between the ages of fifteen and fifty. I own I was therefore surprised to find that there were children, for such I found to be a parcel of strange little figures; the female ones with velvet hoods, and the male with their little curled heads covered with woollen nightcaps, regardless of the exam-

ple of their hardy old fathers, if they were not their grandsires, who carried about heads without a hair or a hat to protect them.

"In truth, I am at a loss to reconcile so many contradictions as I have met with here even in a few hours. Even though I should not mention the height of their beds, nor the unwieldiness of their carriages, as if the benefit of rest was reserved for vaulters and rope-dancers, and the indolent and helpless only were intended to change their place; but perhaps those impressions are only the first and the mistaken views of a traveller, that ought to see more and reflect more before he forms his opinions. I believe so too, and, if I change or correct them, the French nation shall have the benefit of my change of opinion. If not, I hope my mistake will not do much injury to the power, or riches, or vanity of his most Christian Majesty.

"Yours ever,

"J. P. C."

A few days after, in a letter from Rouen, he says: "I still find myself confirmed every day, in a preference for my own poor country. The social turn of this people certainly has the advantage; their manners are wonderfully open and pleasant; but still, in every thing I have yet seen, I have observed a strange medley of squalid finery and beggarly ostentation, with a want of finishing in every article of building or manufacture, that marks them at least a century behind us. Yet have they their pleasant points; gay, courteous, temperate, ill-clothed, and ill-accommodated, they seem to have been negligent only in what regarded themselves, and generously to have laboured in what may render them agreeable to their visitors."

As Mr. Curran travelled on towards Paris, he received a mark of public attention, for which he was in a great measure indebted to his eloquent defence of the Roman catholic priest already mentioned. His friend, the Reverend Arthur O'Leary, (more generally called Father O'Leary,)

knowing that he was to pass through a particular town, wrote to the superior of a convent in the neighbourhood, describing the traveller that was shortly to arrive there, and requesting that so ardent a friend of their religion should be welcomed and entertained with all courtesy and honour. Mr. Curran no sooner reached the place, than he received a pressing invitation to take up his abode at the convent. He accordingly proceeded thither, and was met at the gates by the abbot and his brethren in procession. The keys of the convent were presented to him, and his arrival hailed in a Latin oration, setting forth his praises and their gratitude, for his noble protection of a suffering brother of their church.

Their Latin was so bad, that the stranger without hesitation replied in the same language. After expressing his general acknowledgments for their hospitality, he assured them, that nothing could be more truly gratifying to him than to reside for a few days among them; that he should feel

himself perfectly at home in their society; for that he was by no means a stranger to the habits of a monastic life, being himself no less than the Prior of an order in his own country, the order of St. Patrick, or the Monks of the Screw. Their fame, he added, might never have reached the Abbot's ears, but he would undertake to assert for them, that, though the brethren of other orders might be more celebrated for learning how to die, the "Monks of the Screw" were as yet unequalled for knowing how to live. As, however, humility was their great tenet and uniform practice, he would give an example of it upon the present occasion, and instead of accepting all the keys which the Abbot had so liberally offered, would merely take charge, while he stayed, of the key of the wine-cellar.

This little playful sally was accepted in the same spirit of good humour with which it was offered; and the traveller, after passing two or three days with the Abbot, and pleasing every one by his vivacity and

conciliating manners, proceeded on his journey, not without a most pressing invitation to take advantage of any future occasion of revisiting his friends at the convent.

The following is extracted from one of his letters from Paris.

"Paris, September 15, 1787.

"I have been all about the world with the Carletons, visiting churches, libraries, pictures, operas, &c. Yesterday we went to Versailles, and, though a week-day, had the good luck to see his Majesty at chapel, after which he went out hunting; after which we viewed the palace, the gardens, statues, &c., bought two pair of garters at a pedlar's stall in an ante-chamber adjoining the great gallery, and so returned to town. All that could be seen even on a Sunday, besides, would be the Queen, who would probably take very little notice of her visitors; so I shall probably, I think, go no more to Versailles. Mr. Boyse is perfectly well; I have written to him this day. My health, thank God, has been perfectly

good since I came here, to which I suppose the great temperance of this country has contributed not a little. I am early as usual; read, write, dine, go to the coffee-house, the play, as usual; one day now seems to be the former, and I begin to be vexed at its being the model of the next. Perhaps upon earth there cannot be found in one city such a variety of amusements: if you walk the Boulevards in the evening, you see at least ten thousand persons employed in picking the pockets of as many millions, reckoning players, rope-dancers, jugglers, buffoons, bird-sellers, bear-dancers, learned beasts, &c. Yet I begin to grow satiated, and often wish for a more tranquil habitation."

Among the traits of French manners, which Mr. Curran upon his return related as having greatly entertained him, was the following little incident, which will be also found to be perfectly characteristic of his own.

He was one evening sitting in a box at

the French Opera, between an Irish noble-woman whom he had accompanied there, and a very young Parisian female. Both the ladies were peculiarly interesting in their appearance, and very soon discovered a strong inclination to converse, but unluckily each was ignorant of the other's language. To relieve their anxiety, Mr. Curran volunteered to be their interpreter, or in his own words, "to be the carrier of their thoughts, and accountable for their safe delivery." They accepted the offer with delight, and immediately commenced a vigorous course of observations and inquiries upon dress and fashion, and such common-place subjects; but the interpreter, betraying his trust, changed and interpolated so much, that the dialogue soon became purely his own invention. He managed it however with so much dexterity, transmitting between the parties so many finely turned compliments, and elegant repartees, that the unsuspecting ladies became fascinated with each other. The Parisian *demoiselle* was in raptures with the

wit and colloquial eloquence of *milady*, whom she declared to be *parfaitement aimable;* while the latter protested that she now for the first time felt the full charm of French vivacity. At length, when their mutual admiration was raised to its most ecstatic height, the wily interpreter, in conveying some very innocent question from his countrywoman, converted it into an anxious demand, if she might be favoured with a kiss. "Mais oui, mon Dieu, oui!" cried out the animated French girl, "j'allois le proposer moi-même," and springing across Mr. Curran, imprinted an emphatic salutation, according to the custom of her country, upon each cheek of his fair companion; and then turning to him, added, "vraiment, monsieur, madame votre amie est un veritable ange." The latter never discovered the deception, but after her return to Ireland used often to remind Mr. Curran of the circumstance, and ask, "what in the world the young lady could have meaned by such strange conduct?" to which he would only archly reply,

'Come, come, your ladyship must know that there is but one thing in the world that it *could* have meaned. and the meaning of that is so literal, that it does not require a commentator."

The name of Mr. Boyse occurred in his last letter; the friend of his childhood, between whom and Mr. Curran the most cordial intercourse continued until death dissolved it*. The delicacy of that gentleman's health had obliged him to reside for several years past upon the Continent, from which he regularly corresponded with his former pupil. One of his letters, written in this year, shall be inserted, as an example of the kind and confidential feeling that pervades them all.

"TO J. P. CURRAN, ESQ.
ELY-PLACE, DUBLIN.

"Bruxelles, Feb. 7, 1787.

"DEAR JACK,

"I hope my friend's affairs are going well, and flourishing as when I left

* Mr. Boyse died a few years after the present period.

him: mine, I suppose, are in the last stage of consumption, so that I almost dread to make inquiry about them. My health has been so good this winter, that I came from Aix here to escort a Mr. Low and family, my relations, who are on their road to England and Ireland. To-morrow, I return to Aix-la-Chapelle for the remainder of the winter. I hope you were paid the money I drew on you for, as I must soon draw on you again for 60*l*. If I have no funds at Newmarket, I shall write to Dick Boyse to pay you, and shall always take care that you shall be no sufferer by me.

"Let me hear how you go on, and what chance you have of the bench. I wish you had realised seven or eight hundred a year for your family. Is your health good, and your life regular? I saw Grattan and Fitzgibbon at Spa; the former friendly and agreeable, the latter disagreeable to every one. I dined with him and Mr. Orde, at a club where we are members, but he was solemn and displeasing to us all. My compliments to Grattan, and his wife, and

ask him for her on my part; she is very amiable. What is to become of us with the White Boys? If I am not an absolute beggar, I will go home the latter end of the summer. How go on all your children? An account of yourself and them will give me pleasure. With best wishes to you all,

"I am, dear Jack,

"Yours sincerely,

"NAT: BOYSE."

Mr. Boyse came over to Ireland in the following year. Upon the morning of his arrival in Dublin, as he was on his way to Ely Place, he was met by his friend, who was proceeding in great haste to the courts, and had only time to welcome him, and bid him defer his visit till the hour of dinner. Mr. Curran invited a number of the eminent men at the bar to meet Mr. Boyse; and on returning home at a late hour from court, with some of his guests, found the clergyman, still in his travelling dress, seated in a familiar posture at the fire, with a foot resting upon each side of

the grate. "Well, Jack," said he, turning round his head, but never altering his position, "here have I been for this hour past, admiring all the fine things that I see around me, and wondering where you could have got them all." "You would not dare," returned Mr. Curran, deeply affected by the recollections which the observation called up, "to assume such an attitude, or use so little ceremony, if you were not conscious that every thing you see is your own. Yes, my first and best of friends, it is to you that I am indebted for it all. The little boy whose mind you formed, and whose hopes you animated, profiting by your instructions, has risen to eminence and affluence: but the work is yours; what you see is but the paltry stucco upon the building of which *you* laid the foundation."

This year (1788) Mr. Curran visited Holland, from which he writes as follows.

"Helvoetsluys, August 1, 1788.

"Just landed, after a voyage of forty-two hours, having left Harwich, Wed-

nesday at six in the evening. We are just setting out in a treckscuit for Rotterdam.

"I can say little, even if I had time, of the first impression that Holland makes on a traveller. The country seems as if it were swimming for its life, so miserably low does it appear; and from the little I have seen of its inhabitants, I should not feel myself much interested in the event of the struggle. We were obliged to put up an orange cockade on our entrance. We have just dined, and I am so disturbed by the settling of the bill, and the disputes about guilders and stivers, &c. that I must conclude.

"Yours ever,
"J. P. C."

"Amsterdam, August 5, 1788.

"You can't expect to find much entertainment in any letter from Holland. The subject must naturally be as flat as the country, in which, literally, there is not a single eminence three inches above the

level of the water, the greater part lying much below it. We met Mr. Hannay, a Scotchman, on the passage, who had set out on a similar errand. We joined accordingly. A few moments after my letter from Helvoetsluys was written, we set out in a treckscuit for Rotterdam, where, after a voyage of twenty-four hours easy sail, we arrived without any accident, notwithanding some struggle between an adverse wind and the horse that drew us. We staid there only one day, and next day set out for the Hague, a most beautiful village, the seat of the Prince of Orange, and the residence of most of the principal Dutch. Yesterday we left it, and on going aboard found four inhabitants of Rouen, and acquaintances of my old friend Du Pont. We were extremely amused with one of them, a little thing about four feet long, and for the first time in his life a traveller. He admired the abundance of the waters, the beauty of the windmills, and the great opulence of Holland, which

he thought easy to be accounted for, considering that strangers paid a penny a mile for travelling, which was double what a French gentleman was obliged to pay at home; nor could it otherwise be possible for so many individuals to indulge in the splendor of so many country villas as we saw ranged along the banks of the canals, almost every one of which had a garden and menagerie annexed. The idea of the menagerie he caught at the instant from a large poultry coop, which he spied at the front of one of those little boxes, and which contained half a dozen of turkeys and as many hens.

"The evening, yesterday, brought us to Amsterdam. We had an interpreter who spoke no language. We knew not, under heaven, where to go; spoke in vain to every fellow passenger, but got nothing in return but Dutch; among the rest to a person in whom, notwithstanding the smoke, I thought I saw something of English. At length he came up to me, and said he could

hold out no longer. He directed us to an inn; said he sometimes amused himself with concealing his country, and that once at Rotterdam he carried on the joke for five days, to the great annoyance of some unfortunate Englishmen, who knew nobody, and dined every day at the table d'hôte he frequented. Last night we saw a French comedy and opera tolerably performed. This day we spent in viewing the port, stad-house, &c. and shall depart to-morrow for Rotterdam or Utrecht, on our way to Antwerp.

"You cannot expect much observation from a visitor of a day: the impression, however, of a stranger, cannot be favourable to the people. They have a strange appearance of the cleanliness for which they are famous, and of the dirt that makes it necessary: their outsides only have I seen, and I am satisfied abundantly with that. Never shall I wish to return to a country, that is at best dreary and unhealthy, and is no longer the seat of

freedom; yet of its arbitrariness I have felt nothing more than the necessity of wearing an orange riband in my hat. My next will be from Spa, where I hope to be in six or seven days: till then farewell.

"Yours ever,

"J. P. C."

CHAPTER VII.

His majesty's illness—Communicated to the house of commons—Mr. Curran's speech upon the address—Regency question—Formation of the Irish Whig opposition—Mr. Curran's speech and motion upon the division of the boards of stamps and accounts—Answered by Sir Boyle Roche—Mr. Curran's reply—Correspondence and duel with Major Hobart—Effects of Lord Clare's enmity—Alderman Howison's case.

THE year 1789 was in many respects one of the most interesting and important in Mr. Curran's life. From his entrance into parliament he had hitherto been chiefly engaged in an occasional desultory resistance to the Irish administration, rather acting with, than belonging to the party in opposition; but in this year a momentous question arose, in the progress and consequences of which, there was such a development of the system by which Ireland was in future to be governed, that he did not hesitate to fix his political destiny for ever, by irrevocably connect-

ing himself with those whose efforts alone he thought could save their country. His present Majesty's most afflicting indisposition had taken place towards the close of the year 1788. It is known to all, that upon the announcement of that melancholy event, the British parliament proceeded to nominate His Royal Highness the Prince of Wales regent, under particular limitations and restrictions; a mode of proceeding which the Irish ministry were peculiarly anxious that the Irish parliament should studiously imitate. For this purpose great exertions were made to secure a majority. To Mr. Curran it was communicated that his support of the government would be rewarded with a judge's place, and with the eventual prospect of a peerage; but he was among those who considered it essential to the dignity of the parliament, and the interests of Ireland, that the heir-apparent should be invited by address to assume the full and unrestricted exercise of the regal functions; and fortunately for his fame, he had too much respect for his

duties and his character, to sacrifice them to any considerations of personal advancement.

The Irish administration had been anxious to defer the meeting of the legislature until the whole proceedings respecting the regency should be completed in England, in the hope that the conduct pursued by the British parliament might be followed as a precedent in Ireland; but the urgencies of the public business not admitting so long a delay, the session was opened on the 5th of February, 1789, by the viceroy (the Marquis of Buckingham), when the king's illness was for the first time formally announced to the country. On the following day, in the debate on the address of thanks, his excellency's late conduct was made the subject of much severe animadversion. Upon that occasion Mr. Curran spoke as follows.

"I oppose the address *, as an address of

* One of the paragraphs of the address upon which the debate arose was the following: "We return your

delay. I deeply lament the public calamity of the king's indisposition: it is not so welcome a tale to me as to call for any thanks to the messenger that brings it. Instead of thanks for communicating it now, it should be resented as an outrage upon us that he did not communicate it before. As to thanks for his wishes for Ireland, it is a strange time for the noble marquis to call for it. I do not wish that an untimely vote of approbation should mix with the voice of a people's lamentation: it is a picture of general mourning, in which no man's vanity ought to be thrust in as a figure. But if it is pressed, what are his pretensions? One gentleman (Mr. Boyd) has lost hundreds a year by his arts, and defends him on that ground; another (Mr. Corry) praises his economy for increasing

excellency our sincere thanks (however we must lament the necessity of such a circumstance) for ordering the communication of such documents as you have received respecting his majesty's health; as well as for your intention of laying before us such further information as may assist our deliberations upon that melancholy event."

salaries in the ordnance—the economy of the noble lord is then to be proved only by public or by private losses. Another right honourable gentleman (the attorney general) has painted him as a man of uncouth manners, much addicted to vulgar arithmetic, and therefore entitled to praise. But what have his calculations done? They have discovered that a dismounted trooper may be stript of his boots, as a public saving, or that a mutilated veteran might be plundered of half the pittance of his coals, as a stoppage for that wooden leg, which perhaps the humane marquis might consider as the most proper fuel to keep others warm.

"But a learned gentleman (Mr. Wolfe) has defended the paragraph, as in fact meaning nothing at all. I confess I find the appeal to the compassion of the public stronger than that to their justice. I feel for the reverses of human fate. I remember this very supplicant for a compliment, to which he pretends only because it is no compliment, drawn into this city by the

people, harnessed to his chariot, through streets blazing with illuminations; and now, after more than a year's labour at computation, he has hazarded on a paragraph stating no one act of private or of public good; supported by no man that says he loves him; defended, not by an assertion of his merit, but by an extenuation of his delinquency.

"For my part, I am but little averse to accede to the sentiment of an honourable friend who observed, that he was soon to leave us, and that it was harsh to refuse him even a smaller civility than every predecessor for a century had got. As for me, I do not oppose his being borne away from us in the common hearse of his political ancestors; I do not wish to pluck a single faded plume from the canopy, nor a single rag of velvet that might flutter on the pall. Let us excuse his manners, if he could not help them; let us pass by a little peculation, since, as an honourable member says, it was for his brother; and let us rejoice that his kindred were not more

numerous. But I cannot agree with my learned friend who defends the conduct of the noble lord, on the present occasion. The viceroy here, under a party that had taken a peculiar line in Great Britain, should not have availed himself of his trust to forward any of their measures: he should have considered himself bound by duty and by delicacy to give the people the earliest notice of their situation, and to have religiously abstained from any act that could add to the power of his party, or embarrass any administration that might succeed him. Instead of that, he abused his trust by proroguing the two houses, and has disposed of every office that became vacant in the interval, besides reviving others that had been dormant for years. Yet the honourable member says he acted the part of a faithful steward. I know not what the honourable member's idea of a good steward is; I will tell him mine. A good steward, if his master was visited by infirmity or by death, would secure every article of his effects for his heir; he would enter into no

conspiracy with his tenants; he would remember his benefactor; and not forget his interest. I will also tell him my idea of a faithless, unprincipled steward. He would avail himself of the moment of family distraction; while the filial piety of the son was attending the sick bed of the father, or mourning over his grave, the faithless steward would turn the melancholy interval to his private profit; he would remember his own interest, and forget his benefactor; he would endeavour to obliterate or conceal the title-deeds; to promote cabals among the tenants of the estate, he would load it with fictitious incumbrances; he would reduce it to a wreck, in order to leave the plundered heir no resource from beggary except continuing him in a trust which he had been vile enough to betray. I shall not appropriate either of these portraits to any man: I hope most earnestly that no man may be found in the community, whose conscience would acknowledge the resemblance of the latter.

" I do not think the pitiful compliment in the address worthy a debate or a division; if any gentleman has a mind to stigmatise the object of it by a poor, hereditary, unmeaning, unmerited panegyric, let it pass; but I cannot consent to a delay at once so dangerous and so disgraceful."

The opposition proved upon this occasion the stronger party: Mr. Grattan's proposal that the 11th of February should be fixed for taking into consideration the state of the nation was carried, against the exertions of the ministry to postpone that important discussion to a more distant day. On the 11th accordingly both houses met; when, upon the motion of Mr. Grattan in the one, and of Lord Charlemont in the other, the address to the Prince of Wales, requesting his royal highness to take upon himself the government of Ireland, with the style and title of prince regent, and in the name and behalf of his majesty, to exercise all regal functions during his majesty's indisposition, was carried by large majorities in both houses.

The particulars of the debate in the house of commons upon this interesting subject, in which Mr. Curran bore a distinguished part, it would be superfluous to detail in this place, as the legislative union has for ever prevented the recurrence of such a question; it will be sufficient merely to observe, that the Whig majority who planned and carried the measure of an address were influenced by two leading considerations. In the first place it seemed to them that the proceeding by address was the only one which would not compromise the independence of the Irish parliament. They conceived the present situation of Ireland as similar in many respects to that of England at the period of the Revolution: the throne indeed was not actually vacant, but an efficient executive was wanting; and upon the same principle that the two houses in England had, of their own authority, proceeded to supply the vacancy by the form of an address to the Prince of Orange, so it appeared should those of Ireland (an equally independent legis-

lature) provide for the deficiency of their third estate in the present instance. This line of conduct was strenuously opposed by the attorney general (Mr. Fitzgibbon); but the strongest of his arguments were rather startling than convincing, and made but little impression upon the majority, who justly felt that a great constitutional proceeding upon an unforeseen emergency should not be impeded by any narrow technical objections, even though they had been more unanswerable than those adduced upon this occasion*.

* The following was one of Mr. Fitzgibbon's arguments: "Let me now for a moment suppose, that we, in the dignity of our independence, appoint a regent for Ireland, being a different person from the regent of England, a case not utterly impossible, if the gentlemen insist upon our appointing the Prince of Wales before it shall be known whether he will accept the regency of England; and suppose we should go farther, and desire him to give the royal assent to bills, he would say, 'My good people of Ireland, you have, by your own law, made the great seal of England absolutely and essentially necessary to be affixed to each bill before it passes in Ireland; that seal is in the hands of the chancellor of England, who is a very sturdy fellow; that chancellor is an officer

Next to supporting the dignity of the Irish parliament, the Whig leaders of 1789 were actuated by the prospects of advantage to Ireland which they anticipated from the change of administration and of system that were expected to follow their exertions. They were anxious to invest the heir apparent with the most unrestrained regal authority, in the fullest con-

under the regent of England; I have no manner of authority over him; and so, my very good people of Ireland, you had better apply to the regent of England, and request that he will order the chancellor of England to affix the great seal of England to your bills; otherwise, my very good people of Ireland, I cannot pass them.'"

"This," said Mr. Curran, in his observations upon this argument, "is taking seals for crowns, and baubles for sceptres; it is worshipping wafers and wax in the place of a king; it is substituting the mechanical quibble of a practising lawyer, for the sound deduction of a philosopher standing on the vantage ground of science; it is more like the language of an attorney particular than an attorney general; it is that kind of silly fatuity that on any other subject I should leave to be answered by silence and contempt; but when blasphemy is uttered against the constitution, it shall not pass under its insignificance, because the essence should be reprehended, though the doctrine cannot make a proselyte."

fidence that the benefits on which they calculated would be commensurate with the power to confer them. How far these sanguine hopes would have been realised, how far the measures of a ministry listening to the counsel of Mr. Fox could have healed the existing discontents, or have prevented the calamities that succeeded, must now be matter of controversial speculation, his Majesty's health having been fortunately restored before the arrangements regarding the regency were yet concluded.

Although the conduct of the Irish house of commons at this important crisis has been generally adduced as a proof of the dangerous spirit of independence that pervaded that assembly, and therefore insisted on as an argument for a legislative union; yet, were it now worth while to examine the subject, it would not be difficult to shew that the crowd who on that occasion so zealously volunteered their support of the opposition were influenced by far other motives than a lofty sense of their

own and their country's dignity; and that, however the English government might, at some rare conjuncture, be embarrassed by their versatility, it had nothing to apprehend from their patriotic virtue. No sooner was it ascertained that the cause which they had lately espoused was to be unattended with emolument, than they returned in repentance to their former tenets; and incontestably did they prove in their subsequent life the extent and the sincerity of their contrition.

There were a few, however, who would upon no terms continue their support of the Irish administration: they lost their places, which they might have retained, and, joining the opposition, adhered to it with undeviating and "desperate fidelity," as long as the Irish parliament continued to exist*.

* Among these were Mr. George Ponsonby, and his brother, the late Lord Ponsonby; and in the upper house, the Duke of Leinster. In a letter to Mr. Grattan, Mr. Curran thus alludes to the formation of the last opposition in the Irish parliament: "You well remember

It has been seen in the preceding pages, that the zeal with which Mr. Curran performed his public duties had already twice endangered his life; in the beginning of the year 1790 it was again exposed to a similar risk. If his duel with the Irish secretary, Major Hobart*, (now alluded to) had been the consequence of accidental intemperance of language or conduct on either side, the account of it should be hastily dismissed; but such was not its character. The circumstances that preceded it are peculiarly illustrative of the

the state of Ireland in 1789, and the necessity under which we found ourselves of forming some bond of honourable connexion, by which the co-operation of even a small number might be secured, in making some effort to stem that torrent which was carrying every thing before it. For that purpose our little party was then formed; it consisted of yourself, the late Duke of Leinster, that excellent Irishman the late Lord Ponsonby, Mr. George Ponsonby, Mr. Daly, Mr. Forbes, and some very few others. It may not be for us to pronounce encomiums upon it, but we are entitled to say, that had it been as successful as it was honest, we might now look back to it with some degree of satisfaction."

* The late Lord Buckinghamshire.

condition of the times, of the state of the Irish house of commons, of the manner in which that state rendered it incumbent upon an honest senator to address it, and of the dangers that attended him who had the boldness to perform his duty.

In the month of February, 1790, Mr. Curran made the following speech in that house: independent of the other reasons for which it is here introduced, it may be offered as among the most favourable examples of his parliamentary oratory.

"I rise with that deep concern and melancholy hesitation, which a man must feel who does not know whether he is addressing an independent parliament, the representatives of the people of Ireland, or whether he is addressing the representatives of corruption: I rise to make the experiment; and I approach the question with all those awful feelings of a man who finds a dear friend prostrate and wounded on the ground, and who dreads lest the means he should use to recover him may only serve to shew that he is dead and gone for

ever. I rise to make an experiment upon the representatives of the people, whether they have abdicated their trust, and have become the paltry representatives of Castle influence: it is to make an experiment on the feelings and probity of gentlemen, as was done on a great personage, when it was said 'thou art the man.' It is not a question respecting a paltry viceroy; no, it is a question between the body of the country and the administration; it is a charge against the government for opening the batteries of corruption against the liberties of the people. The grand inquest of the nation are called on to decide this charge; they are called on to declare whether they would appear as the prosecutors or the accomplices of corruption: for though the question relative to the division of the boards of stamps and accounts is in itself of little importance, yet will it develope a system of corruption tending to the utter destruction of Irish liberty, and to the separation of the connexion with England.

"Sir, I bring forward an act of the meanest administration that ever disgraced this country. I bring it forward as one of the threads by which, united with others of similar texture, the vermin of the meanest kind have been able to tie down a body of strength and importance. Let me not be supposed to rest here; when the murderer left the mark of his bloody hand upon the wall, it was not the trace of one finger, but the whole impression which convicted him*.

"The board of accounts was instituted in Lord Townshend's administration: it came forward in a manner rather inauspicious; it was questioned in parliament, and decided by the majority of the five members who had received places under it. Born in corruption, it could only succeed by

* The allusion here is probably to a little story popular among children in Ireland, which states that the murderer, intending to cover the whole mark with dust, left that of one finger unconcealed; but that he continued firmly to protest his innocence, until the removal of the dust convicted him, by displaying an impression corresponding exactly with the size of his hand. A similar circumstance is introduced in an old Spanish play.

venality. It continued an useless board until the granting of the stamp duties in Lord Harcourt's time: the management of the stamps was then committed to it, and a solemn compact was made that the taxes should not be jobbed, but that both departments should be executed by one board. So it continued till it was thought necessary to increase the salaries of the commissioners in the Marquis of Buckingham's famous administration; but then nothing was held sacred: the increase of the revenue board, the increase of the ordnance, thirteen thousand pounds a year added to the infamous pension list, these were not sufficient, but a compact, which should have been held sacred, was violated in order to make places for members of parliament. How indecent! two county members prying into stamps! What could have provoked this insult? I will tell you: you remember when the sceptre was trembling in the hand of an almost expiring monarch; when a factious and desperate English minister attempted to grasp it, you

stood up against the profanation of the English, and the insult offered to the Irish crown; and had you not done it, the union of the empire would have been dissolved. You remember this; remember then yourselves—remember your triumph: it was that triumph which exposed you to submit to the resentment of the viceroy; it was that triumph which exposed you to disgrace and flagellation. In proportion as you rose by union, your tyrant became appalled; but when he divided, he sunk you, and you became debased. How this has happened, no man could imagine; no man could have suspected that a minister without talents could have worked your ruin. There is a pride in a great nation that fears not its destruction from a reptile; yet is there more than fable in what we are told of the Romans, that they guarded the Palladium, rather against the subtlety of a thief, than the force of an invader.

"I bring forward this motion, not as a question of finance, not as a question of regulation, but as a penal inquiry; and the

people will now see whether they are to hope for help within these walls, or turning their eyes towards heaven, they are to depend on God and their own virtue. I rise in an assembly of three hundred persons, one hundred of whom have places or pensions; I rise in an assembly, one third of whom have their ears sealed against the complaints of the people, and their eyes intently turned to their own interest: I rise before the whisperers of the treasury, the bargainers and runners of the Castle; I address an audience before whom was held forth the doctrine, that the crown ought to use its influence on this house. It has been known that a master has been condemned by the confession of his slave, drawn from him by torment; but here the case is plain: this confession was not made from constraint; it came from a country gentleman, deservedly high in the confidence of administration, for he gave up other confidence to obtain theirs.

"I know I am speaking too plain; but which is the more honest physician, he

who lulls his patient into a fatal security, or he who points out the danger and the remedy of the disease?

"I should not be surprised if bad men of great talents should endeavour to enslave a people; but, when I see folly uniting with vice, corruption with imbecility, men without talents attempting to overthrow our liberty, my indignation rises at the presumption and audacity of the attempt. That such men should creep into power, is a fatal symptom to the constitution; the political, like the material body, when near its dissolution, often bursts out in swarms of vermin.

"In this administration a place may be found for every bad man, whether it be to distribute the wealth of the treasury, to vote in the house, to whisper and to bargain, to stand at the door and note the exits and entrances of your members, to mark whether they earn their wages—whether it be for the hireling who comes for his hire, or for the drunken aid-de-camp who swaggers in a brothel; nay,

some of them find their way to the treasury-bench, the political-musicians, or hurdygurdy-men, to pipe the praises of the viceroy.

"Yet notwithstanding the profusion of government, I ask, what defence have they made for the country, in case it should be invaded by a foreign foe? They have not a single ship on the coast. Is it then the smug aid-de-camp, or the banditti of the pension-list, or the infantine statesmen, who play in the sun-shine of the Castle, that are to defend the country? No, it is the stigmatised citizens. We are now sitting in a country of four millions of people, and our boast is, that they are governed by laws to which themselves consent; but are not more than three millions of the people excluded from any participation in making those laws? In a neighbouring country, twenty-four millions of people were governed by laws to which their consent was never asked; but we have seen them struggle for freedom—in this struggle they have burst their chains,

and on the altar, erected by despotism to public slavery, they have enthroned the image of public liberty.

"But are our people merely excluded? No, they are denied redress. Next to the adoration which is due to God, I bend in reverence to the institutions of that religion, which teaches me to know his divine goodness! but what advantage does the peasant of the south receive from the institutions of religion? Does he experience the blessing? No, he never hears the voice of the shepherd, nor feels the pastoral crook, but when it is entering his flesh, and goading his very soul.

"In this country, sir, our King is not a resident; the beam of royalty is often reflected through a medium, which sheds but a kind of disastrous twilight, serving only to assist robbers and plunderers. We have no security in the talents, or responsibility of an Irish ministry; injuries which the English constitution would easily repel may here be fatal. I therefore call upon you to exert yourselves, to heave off the

vile incumbrances that have been laid upon you. I call you not as to a measure of finance or regulation, but to a criminal accusation, which you may follow with punishment. I therefore, sir, most humbly move:

"That an humble address be presented to his Majesty, praying that he will order to be laid before this house the particulars of the causes, consideration, and representations, in consequence of which the boards of stamps and accounts have been divided with an increase of salary to the officers; also that he will be graciously pleased to communicate to this house the names of the persons who recommended that measure."

To this speech, containing charges so grave and direct, and so demanding an equally solemn refutation if they were refutable, it is curious to observe the style of answer that was made. When appeals of this nature are received with contumely and mockery, it is perhaps among the most certain signs, that the legislature

which can tolerate such a practice has completely survived its virtue.

Sir B. Roche:—"Though I am in point of consequence the smallest man amongst the respectable majority in this house, yet I cannot help feeling the heavy shower of the honourable gentleman's illiberal and unfounded abuse.

"If I had the advantage of being bred to the learned profession of the law, I should be the better enabled to follow the honourable gentleman through the long windings of his declamation; by such means I should be blessed with "*the gift of the gab*," and could declaim for an hour or two upon the turning of a straw, and yet say nothing to the purpose; then I could stamp and stare, and rend and tear, and look up to the gods and goddesses for approbation. Then in the violence of such declamation, I should suppose myself standing at the head of my shop, (at the bar of the King's-bench,) dealing out my scurrility by the yard to the highest

bidder; my shop being well stored with all sorts of masquerade dresses, to suit all descriptions of persons. The Newgate criminal (if I was well paid for it), I would dress up in the flowing robes of innocence. The innocent man (being also well paid for it), I could cover him up in a cloak of infamy, that should stick as close to him as his regimentals.

"I am sorry to find that the military character does not seem to meet with the honourable gentleman's approbation. I profess myself to have had the honour to be bred a soldier, and if there is any thing amiable or praise-worthy in my character, I am entirely indebted to that school for it. If indeed I was bred a pettifogger, or a Newgate solicitor, I should be the better enabled to follow the learned gentleman through the variety of matter which he has introduced to the house. My right honourable friend*, upon the floor, is animadverted on and abused, because he is a

* Major Hobart.

soldier; but let me tell the honourable gentleman below me, that the high ground of his honour and character places him above the reach of his envenomed shafts, bearded with envy, hatred, and malice.

* * * * * *

The viceroy of this country is surrounded by military gentlemen of the first families in both kingdoms; they are supposed to be out of the line of all politics, yet the indecent and disrespectful manner in which they are, on this occasion, held out in this house, does, in my apprehension, deserve the severest censure. I would, however, recommend it to the honourable gentleman to stop a little in his career of general abuse of men, who cannot be here to answer for themselves; lest those gentlemen (who never offended him), *might speak to him on the subject in another place.* Oh, shame! shame! shame and reprobation on such behaviour!"

After a long debate, Mr. Curran replied, and concluded with the following

observations upon Sir Boyle Roche's language.

"We have been told this night in express words, that the man who dares to do his duty to his country in this house may expect to be attacked without those walls by the military gentlemen of the Castle. If the army had been directly or indirectly mentioned in the course of the debate, this extraordinary declaration might be attributable to the confusion of a mistaken charge, or an absurd vindication; but without connexion with the subject, or pretence of connexion with the subject, a new principle of government is advanced, and that is the bayonet; and this is stated in the fullest house, and the most crowded audience I ever saw. We are to be silenced by corruption within, or quelled by force of arms without. Nor is it necessary that those avowed principles of bribery and arms should come from any high personal authority; they have been delivered by the known retailers of administration, in the face of that bench, and

heard even without a murmur of dissent, or disapprobation. As to my part, I do not know how it may be my destiny to fall; it may be by chance, or malady, or violence, but should it be my fate to perish the victim of a bold and honest discharge of my duty, I will not shun it. I will do that duty, and if it should expose me to sink under the blow of the assassin, and become a victim to the public cause, the most sensible of my regrets would be, that on such an altar there should not be immolated a more illustrious sacrifice. As to myself, while I live, I shall despise the peril. I feel, in my own spirit, the safety of my honour, and in my own and the spirit of the people do I feel strength enough to hold that administration, which can give a sanction to menaces like these, *responsible for their consequences to the nation and the individual.*"

Mr. Curran had soon occasion to act upon this last declaration. In a few days subsequent to the preceding debate, he was openly insulted by a person belonging

to one of those classes, upon which he had accused the administration of squandering the public money. He accordingly deputed one of his friends, Mr. Egan, to acquaint the Secretary with the outrage that had been committed on him, in consequence of what he had asserted in the house of commons, and to express his expectation, "that Major Hobart would mark his sense of such an indignity offered to a member of parliament by one of his official servants, in the dismissal of the man from his service." To this application Major Hobart replied, that "he had no power to dismiss any man from the service of government," and after referring Mr. Curran to the house of commons, as the tribunal before which he should complain of any breach of his privileges, expressed his surprise, "that any application should have been made to him upon the occasion of an outrage committed by a person who was as much a stranger to him as he could be to Mr. Curran." Upon this, the following correspondence ensued:

"TO THE RIGHT HON. MAJOR HOBART.

"March 28, 1790.

"SIR,

"A man of the name of * *, a conductor of your press, a writer for your government, your notorious agent in the city, your note-taker in the house of commons, in consequence of some observation that fell from me in that house on your prodigality, in rewarding such a man with the public money for such services, had the audacity to come within a few paces of me, in the most frequented part of this metropolis, and shake his stick at me in a manner, which, notwithstanding his silence, was too plain to be misunderstood. I applied to you to dismiss him, because he is your retainer, for whom you ought to be responsible. You have had recourse to the stale artifice of office, and have set up incapacity and irresponsibility against doing an act, which as a minister you were able, and which as a man of honour you should have been ready, to do. As to your being a stranger to the man, you knew when you wrote it, that it was a pitiful eva-

sion; I did not apply to the secretary to discard a companion, but to dismiss the runner of his administration. As to your attempt to shelter yourself under the lord lieutenant, who, during the continuance of his government, cannot be responsible for such outrages, you should have felt that to be equally unworthy of you. If such subterfuges were tolerated, every member of parliament, every gentleman of the country, who might become obnoxious to the Castle, would be exposed to personal violence from the ruffians of your administration. I should give up the cause of both, if I did not endeavour to check this practice, not in the person of the instrument, but of his abettor. I knew perfectly well the resentments I had excited by my public conduct, and the sentiments and declarations I have expressed concerning your administration. I knew I might possibly become the victim of such declarations, particularly when I saw that an attempt at personal intimidation was part of the plan of government; but I was too deeply impressed with their truth to be

restrained by any consideration of that sort from making them in public, or asserting them with my latest breath.

"Sir, I am aware that you could not be convicted of having actually commissioned this last outrage upon me; but that you have protected and approved it. I own I am very sorry that you have suffered so unjustifiable a sanction of one of your creatures to commit you and me personally. However, as you are pleased to disclaim the offender, and the power of punishing him, I feel I must acquiesce, whatever may be my opinion on the subject; and though you have forced upon me a conviction that you have sacrificed the principles of a man of honour to an official expediency. This sentiment I should have conveyed through my friend, but that it might possibly become necessary that our communication on this business should be public.

"I have the honour to be,
"Sir,
"Your obedient servant,
"JOHN P. CURRAN."

"TO JOHN PHILPOT CURRAN, ESQ.

"Dublin Castle, March 29, 1790.

"SIR,

"Your original application to me, through Mr. Egan, was, that Mr. —— should be dismissed from the service of government, for the insult which he had offered to you; or that government should co-operate with you in preferring a complaint to the House of Commons against him for a breach of their privileges. This application was, on the face of it, official; and, in answer to it, I pointed out to you, by direction of his excellency the lord-lieutenant, the only mode by which you could have the redress you had sought for the outrage of which you had complained. You have now thought fit to desert the mode of official proceeding, and to couple a personal attack against me with an appeal to the public.

"Whatever are your hopes and motives in such a conduct, be assured, that the attempt of making your cause the cause of the public will never succeed. The

public will never believe that I could have directly or indirectly instigated any man to insult you. They will see that the regular mode of redress was open to you, even the redress you at first affected to seek. You will never fasten a belief on the public that any man was mad enough to insult a member of parliament, merely for his having accused the government of prodigality in rewarding him: nor will all your ingenuity serve to entangle me in that transaction, merely because you are pleased to style Mr. —— my retainer; or to create a persuasion that I am personally responsible for the resentment of a servant of the government, who was placed in the situation which he now fills many years before I came into office. The public will view this matter in its true light; and they will clearly perceive, what no man can ever justify, that you have transferred to me the quarrel which another has provoked, for no one reason, but because you think it politic so to do.

"Your parade of the resentments which

you boast to have excited by your public conduct, and your insinuation that an attempt at personal intimidation was part of the plan of government, I cannot condescend to notice. The public will never be the dupes of such a paltry affectation, to give a popular complexion to your quarrel.

"As to your charge of my having sacrificed the principles of a man of honour to political expediency, the motive of the accusation is too evident to demand a reply. I trust to my own character for its refutation.

"I pity the condition of any man who feels himself reduced to the desperate expedient of endeavouring to wipe off the affronts and insults he has submitted to from others, by forcing a quarrel upon a man who never injured him in the remotest degree; and I am at a loss to conceive how such a conduct can be reconciled to the principles or feelings of a gentleman or a man of honour.

"Perhaps a man in a public situation,

and who has given no offence, might be well justified in appealing to the laws, if he should be personally called upon. I do not mean, sir, to avail myself of your example. You say, sir, that it may be necessary that the communication on this subject should be public: had you not said so, my answer to you would have been short indeed. I have the honour to be

"Your obedient humble servant,

"R. HOBART."

"P. S. Having put you in possession of my sentiments, I shall consider it unnecessary to answer any more letters."

"TO THE RIGHT HON. MAJOR HOBART.

"March 30, 1790.

"SIR,

"As I wish to stand justified to the public and to you for having had recourse to you on the present extraordinary occasion, I beg leave once more to trouble you with a few lines, to which no answer can be

necessary. They will be addressed to you in that temper which the general purport of the last letter I had the honour to receive entitles you to expect.

"An unparalleled outrage was offered to me:—the person was beneath my resentment. In this very difficult situation, to whom could I resort but to his masters? and if to them, to whom but to the first?

"I never charged you, sir, with instigating that man to such an act; but am sorry that I cannot add, that such a part has been taken to punish him as was necessary to acquit *all* your administration. I know perfectly well you found him in office, and also in certain lower confidential departments, which are more easily understood than expressed; and my complaint was, that, after such gross misconduct, he continued there.

"I beg leave to remind you, that I did not say that any man was mad enough to insult a member of parliament, merely for accusing government of prodigality in rewarding him; but I did say, and must re-

peat, that the insult upon me was made in consequence of my having arraigned the prodigality of rewarding *such* a man for *such* services. Permit me to add, that you cannot but have reason to believe this to be the fact. Some of your court have talked freely upon the subject; and the man, by his own application of the word, has acknowledged his vocation and his connexion.

"I must still continue to think, that what you are pleased to call a quarrel is nothing but the result of my public conduct. Sure I am that I should have escaped the attacks that have been made upon my person and character, and this last among others, if that conduct had been less zealous and decided.

"As to your charge of my forcing a quarrel upon a man—"who never in the remotest degree injured you"—there is something in the expression, which I acknowledge excites in my mind a very lively concern. And it is an aggravation of the outrage upon me, that it left me no resort,

save one painful to my feelings, but necessary to my situation.

"As to the insinuation which accompanies your expression of regret, I am sorry it should have escaped from Major Hobart. He cannot seriously mean that I should squander my person upon every ruffian who may make an attempt on my life. In the discharge of political and professional duties, every man must expect to excite enemies. I cannot hope to be more fortunate; but I shall commit myself only with such as cannot disgrace me. A farther answer also may be necessary to this part of your letter; but that, as it cannot be so properly conveyed in writing, my friend Mr. Egan will have the honour to explain. I have the honour to be,

"Sir,

"Your obedient servant,

"J. P. CURRAN."

A duel immediately followed, in which neither party received any injury.

In reviewing this transaction, it would

not be difficult for any one, who should feel so disposed, to produce many arguments in support of the conclusion, that Mr. Curran's demand of personal satisfaction from the Irish minister was a departure from the usages of public life. Such a person would, however, leave out of his consideration the circumstances that provoked and that could justify such a proceeding—the inflamed state of the times—the previous debate in parliament—the minister's tacit sanction of the menaces of his adherents—and Mr. Curran's remonstrance upon the occasion not having produced an observation that could deter the future insulter. The latter was the view which convinced himself and his friends that it was only by some such decisive measure as that which he adopted, that the privileges and persons of his party could be secured from farther violence. The particulars of the affair, however, are given here, not as a subject of controversy, but as a striking public fact, and an event in Mr. Curran's political life.

MR. CURRAN'S dispute and frequent collisions in parliament with Mr. Fitzgibbon have been already adverted to; and, in what has been hitherto related, the conduct of neither party has appeared marked by any peculiar aggravations: but the latter having now become Chancellor of Ireland, Lord Clare remembered the resentments of Mr. Fitzgibbon, and avenged the wounds he had received in the senate, by excluding Mr. Curran from all practice in his court*. Such a mode of reprisals has been generally reprehended as merely unmanly and ungenerous, but it was a great deal more. The misconduct of persons in elevated stations is seldom can-

* This was effected by letting the public see that Mr. Curran had not (in the technical phrase) *the ear of the court:* and in this Lord Clare so entirely succeeded, that in a very little time no client would venture to entrust a chancery cause of any importance to the discountenanced advocate. Mr. Curran's loss of professional income was extreme. There was an immediate diminution of 1000*l.* a year, which the Court of Chancery alone had produced; and this an increasing income. The aggregate of his loss he always estimated at 30,000*l.*

vassed with the rigour necessary to their perfect reprobation. So much does power impose upon the understandings of men, that, almost trembling to scrutinize the offences that should be most exposed, they are rather satisfied to consider the enjoyment of high trust as a kind of apology for its violation. A judge setting his face against a particular advocate does not commit a simple act of unkindness or indecorum; he offers as criminal an outrage as can be imagined to the most sacred privileges of the community. The claim of the subject to be heard with impartiality is not derived from the favour of the judge; it is a right, as independent of persons, and as sanctioned by law, as that which entitles the judge to sit upon the bench: it is the bounden duty of the latter to afford an honest unbiassed attention to every suitor in his court, or (what is equivalent) to such counsel as the suitor appoints to represent himself: when the judge, therefore, from motives of private or political dislike, refuses, on the hearing

of a cause, the fullest indulgence that legal proceedings admit, he not only unworthily marks out an obnoxious individual as the victim of his own angry passions, diminishing his credit, and thereby, perhaps, depriving him of his bread; but as far as in him lies, he directly tends to defraud the unoffending subject of his property, or his reputation, or his life; he does the same indirectly, by compelling the advocate, if he has a spark of the spirit befitting his station, to exhaust in resistance to such unseemly partiality a portion of that time and vigour which should be exclusively appropriated to the service of his client. These scenes of indecent strife too inevitably strip the seats of law of their character and influence; for who can look up with confidence or respect to a tribunal, where he sees faction domineering over equity, and the minister of justice degraded into a partisan?

This flagrant abuse of the judicial functions by Lord Clare has never incurred, in Ireland, all the odium that it merited—

with his admirers it was a speck upon the sun, and his enemies had deeper crimes to execrate. The widely different deportment of his successors has also removed all present apprehensions of a repetition of such scenes; still the vicious model may find its imitators—the tramplers upon human rights are not peculiar to any generation; and wherever they do appear, their exposure should be insisted on as a future protection to the public; the characters of such men should be rendered an antidote to their example.

For this deadly injury inflicted on him by the highest law-officer in the kingdom, Mr. Curran was not tardy in taking signal vengeance. He saw that his enemy had advanced too far to recede—he disdained to conciliate him by submission or by mild expostulation. To have acted with forbearance, or even with temper, (however amiable and prudent, had it been a private case) would have been in the present one, as he considered it, a desertion of what was to him above every personal

consideration, of a great constitutional principle, involving the rights and securities of the client, and the honour and independence of the Irish bar. He was not insensible (it could hardly be expected that he should) to such an invasion of his feelings and his income; but in resisting it as he did, with scorn and exposure, he felt that he was assuming the proud attitude of a public man, contending against a noxious system of "frantic encroachments," of which he was the accidental victim; and that the result, however unproductive to his private interests, would, at least, shew that the advocate was not to be scared from the performance of his duty by the terrors of contumely or pecuniary loss; and that though the judge might be for the moment victorious in the contest, his victory should cost him dear.

The opportunities of hurling direct defiance at Lord Clare might have now been rare. They could no longer meet in the House of Commons; and the Chancellor

provided against a frequent intercourse in his court*; but an extraordinary occasion soon presented itself, and enabled the injured advocate to execute his objects of retaliation, in the dignified character of a public avenger, before an audience where every blow was more public and more humiliating.

The lord mayor of the city of Dublin is chosen by the board of aldermen, whose choice is confirmed, or disapproved, by the common council. In the year 1790, the board elected a person (Alderman

* The occasional style of their warfare in the Court of Chancery, for the little time that Mr. Curran continued to be employed there, may be collected from the following instance. Lord Clare had a favourite dog that sometimes followed him to the bench. One day, during an argument of Mr. Curran's, the Chancellor, in the spirit of habitual petulance which distinguished him, instead of attending to the argument, turned his head aside, and began to fondle the dog. The counsel stopped suddenly in the middle of a sentence—the judge started. " I beg pardon," said Mr. Curran, " I thought your Lordships had been in consultation; but as you have been pleased to resume your attention, allow me to impress upon your excellent understandings, that"—&c.

James) whom the commons rejected. The board successively elected seven others, whom the commons, without assigning the reasons of their disapprobation, successively rejected. Their real motive was a determination to continue rejecting the names returned to them, until the election of the aldermen should fall upon a person attached to the popular cause. The board perceiving this, and denying that the common council had such a right of capricious rejection, returned no more, and broke up without having duly elected a lord mayor. Upon this the sheriffs and commons (according to the law that provided for such an event) proceeded to elect one, and fixed upon a popular candidate, Alderman Howison.

This contest between the board of aldermen and the commons, after having undergone much violent discussion, and excited the utmost agitation in the metropolis, was now brought before the lord lieutenant and privy council (at which

Lord Clare presided as Lord Chancellor) for their final decision. The council chamber was thrown open as a public court. The concourse of spectators, among whom were the most opulent and respectable citizens of Dublin, was immense. The question before the court was to be the mere legal construction of an act of parliament, but the Chancellor and the ministry notoriously favoured the pretensions of the board of aldermen, so that the question before the public was whether the rights of the city were to be treated with constitutional respect, or to be crushed by the despotic power of the Castle.

Upon this solemn and vital question, Mr. Curran appeared as one of the leading counsel for the commons and the object of their choice, Alderman Howison. He had not proceeded far in his argument before he shewed that he did not mean to confine it to the literal and technical interpretation of a statute; but that, looking at the question as the public did, he

should raise it from a cold legal discussion into a great constitutional struggle between the privileges of the subject and the influence of the Irish ministry. But he could not have taken a more infallible method of soon reducing it from a question of law, or of principle, into a personal contest between himself and the aristocratic chancellor. Accordingly their hostility immediately burst forth in the interruptions of the judge, and the contemptuous indifference with which they were treated by the advocate. At length, the latter (by way of allusion to the unconstitutional conduct of a former chancellor, Sir Constantine Phipps, upon a similar occasion) proceeded to draw the following picture of his irritated enemy, in his own presence, and in that of the assembled community*.

* The person who was the most zealous in exciting a spirit of opposition in the common council was Mr. Tandy, a member of the Whig Club. Mr. Grattan, one of the most distinguished members of the same association, speaks thus of the above transaction:—"An attack was

"On grounds like these; for I can conceive no other, do I suppose the rights of the city were defended in the time to which I have alluded; for it appears, by the records which I have read, that the city was then heard by her counsel; she was not denied the form of defence, though she was denied the benefit of the law. In

made on the rights of the city. A doctrine was promulgated, that the common council had no right to put a negative on the lord mayor chosen by the board of aldermen, except the board itself should assent to the negative put on its own choice. This doctrine was advanced by the court, to secure the election of the mayor to itself. In the course of the contest, the minister involved himself in a personal altercation with the citizens;—with Mr. Tandy he had carried on a long war, and with various success. In the compass of his wrath, he paid his compliments to the Whig Club, and that club advanced the shield of a free people over the rights of the city, and humbled the minister, in the presence of those citizens, whose privileges he had invaded, and whose persons he had calumniated."

Answer to Lord Clare's Pamphlet.

Alderman Howison's counsel, Mr. Curran, and the late Mr. George Ponsonby, were members of the Whig Club, and refused to accept any remuneration for their exertions upon this occasion.

this very chamber did the chancellor and judges sit, with all the gravity and affected attention to arguments in favour of that liberty and those rights which they had conspired to destroy. But to what end, my lords, offer argument to such men? A little and a peevish mind may be exasperated, but how shall it be corrected by refutation? How fruitless would it have been to represent to that wretched chancellor, that he was betraying those rights which he was sworn to maintain; that he was involving a government in disgrace, and a kingdom in panic and consternation; that he was violating every sacred duty, and every solemn engagement that bound him to himself, his country, his sovereign, and his God! Alas! my lords, by what arguments could any man hope to reclaim or to dissuade a mean, illiberal, and unprincipled minion of authority, induced by his profligacy to undertake, and bound by his avarice and vanity to persevere? He would probably have replied to the most unanswerable arguments by

some curt, contumelious, and unmeaning apothegm, delivered with the fretful smile of irritated self-sufficiency and disconcerted arrogance; or even if he could be dragged by his fears to a consideration of the question, by what miracle could the pigmy capacity of a stunted pedant be enlarged to a reception of the subject? The endeavour to approach it would have only removed him to a greater distance than he was before, as a little hand that strives to grasp a mighty globe is thrown back by the reaction of its own efforts to comprehend. It may be given to a Hale or a Hardwicke to discover and retract a mistake: the errors of such men are only specks that arise for a moment upon the surface of a splendid luminary: consumed by its heat, or irradiated by its light, they soon purge and disappear; but the perversenesses of a mean and narrow intellect are like the excrescences that grow upon a body naturally cold and dark;—no fire to waste them, and no ray to enlighten, they assimilate and coalesce with those qualities

so congenial to their nature; and acquire an incorrigible permanency in the union with kindred frost and kindred opacity. Nor indeed, my lords, except where the interest of millions can be affected by the folly or the vice of an individual, need it be much regretted, that to things not worthy of being made better, it hath not pleased Providence to afford the privilege of improvement."

Lord Clare.—"Surely, Mr. Curran, a gentleman of your eminence in your profession must see that the conduct of former privy councils has nothing to do with the question before us. The question lies in the narrowest compass; it is merely whether the commons have a right of arbitrary and capricious rejection, or are obliged to assign a reasonable cause for their disapprobation. To that point you have a right to be heard, but I hope you do not mean to lecture the council."

Mr. Curran.—"I mean, my lords, to speak to the case of my clients, and to avail myself of every topic of defence which

I conceive applicable to that case. I am not speaking to a dry point of law, to a single judge, and on a mere forensic subject; I am addressing a very large auditory, consisting of co-ordinate members, of whom the far greater number is not versed in law. Were I to address such an audience on the interests and rights of a great city, and address them in the hackneyed style of a pleader, I should make a very idle display of profession, with very little information to those I address, or benefit to those on whose behalf I have the honour to be heard. I am aware, my lords, that truth is to be sought only by slow and painful progress: I know also that error is in its nature *flippant and compendious; it hops with airy and fastidious levity over proofs and arguments, and perches upon assertion, which it calls conclusion.*"

Here Mr. Curran's triumph over his proud enemy was complete. The sarcastic felicity of this description of the unfavourable side of Lord Clare's mind and manner was felt by the whole audience. The Chan-

cellor immediately moved to have the chamber cleared, and during the exclusion of strangers was understood to have ineffectually endeavoured to prevail upon the council to restrain the advocate from proceeding any further in that mode of argugument which had given him so much offence.

From this period till the year 1794, Mr. Curran's public history consists principally of his parliamentary exertions. The Opposition "persisted to combat the project to govern Ireland by corruption:" for this purpose they brought forward a series of popular measures*; in the support of all of

* The most important of these were Mr. Forbes's motion for a place bill, Mr. Grattan's for an inquiry into the sale of peerages, the Catholic question, parliamentary reform. The inquiry regarding the sale of peerages was twice moved; by Mr. Grattan in 1790, and by Mr. Curran in the following year: both motions failed, although the fullest evidence of the fact was offered. "I have proof," said Mr. Curran, "and I stake my character on producing such evidence to a committee, as shall fully and incontrovertibly establish the fact, that a contract has been entered into with the present ministers to raise to

which Mr. Curran took a leading part. Lord Charlemont's biographer, who heard

the peerage certain persons, on condition of their purchasing a certain number of seats in this house." Upon this last occasion Mr. Curran was loudly called to order, for having reminded the house "that they should be cautious in their decision on this question, for they were *in the hearing of a great number of the people of Ireland.*" Mr. Grattan defended the expression, and thought the doctrine of censure passed upon it inconsistent with the nature of a popular assembly such as a house of commons: in support of this opinion he quoted an expression of Lord Chatham, who in the house of peers, where such language was certainly less proper than in a house of commons, addressed the peers, "My lords, I speak not to your lordships; I speak to the public and to the constitution." "The words," added Mr. Grattan, "were at first received with some murmurs, but the good sense of the house and the *genius of the constitution* justified him." Mr. Curran, on resuming, repeated the expression, and was again interrupted by violent cries to order, which, however, he silenced by observing, "I do not allude to any strangers in your gallery, but I allude to the *constructive* presence of four millions of people, whom a serjeant at arms cannot keep unacquainted with your proceedings."—*Irish Parl. Deb.* 1791.

During the debate upon the same subject in the preceding year, Mr. Grattan produced a paper, and read as follows: "We charge them (the ministers) publicly, in

him upon all those occasions, says of him, "That he animated every debate with all

the face of their country, with making corrupt agreements for the sale of peerages; for doing which, we say that they are impeachable: we charge them with corrupt agreements for the disposal of the money arising from the sale, to purchase for the servants of the Castle seats in the assembly of the people; for which we say that they are impeachable. We charge them with committing these offences, not in one, nor in two, but in many instances; for which complication of offences we say that they are impeachable; guilty of a systematic endeavour to undermine the constitution, in violation of the laws of the land. We pledge ourselves to convict them; we dare them to go into an inquiry; we do not affect to treat them as other than public malefactors; we speak to them in a style of the most mortifying and humiliating defiance; we pronounce them to be public criminals. Will they dare to deny the charge? I call upon and dare the ostensible member to rise in his place and say, on his honour, that he does not believe such corrupt agreements have taken place. I wait for a specific answer." Major Hobart avoided a specific answer. Six days after, Mr. Grattan, alluding to these charges, observed, "Sir, I have been told it was said that I should have been stopped, should have been expelled the commons, should have been delivered up to the bar of the lords for the expressions delivered that day. I will repeat what I said that day." After reciting the charges *seriatim* in the same words, he thus concluded, "I repeat these charges now, and if any

his powers; that he was copious, splendid, full of wit, and life, and ardour." Of the justice of this praise sufficient proofs might be given, even from the loose reports of his speeches upon those questions; but it will be necessary in the following pages to offer so many examples of his forensic oratory, upon which his reputation so mainly depends, that his efforts in parliament become, as far as his eloquence is concerned, of secondary moment, and claim a passing attention, rather with reference to his history and conduct, than as necessary to his literary fame.

thing more severe was on a former occasion expressed, I beg to be reminded of it, and I will again repeat it. Why do you not expel me now? Why not send me to the bar of the lords? Where is your adviser? Going out of the house I shall repeat my sentiments, that his majesty's ministers are guilty of impeachable offences, and advancing to the bar of the lords, I shall repeat these sentiments; and if the Tower is to be my habitation, I will there meditate the impeachment of these ministers, and return, not to capitulate, but to punish. Sir, I think I know myself well enough to say, that if called forth to suffer in a public cause, I will go further than my prosecutors both in virtue and in danger."

CHAPTER VIII.

State of parties—Trial of Hamilton Rowan—Mr. Curran's fidelity to his party—Rev. William Jackson's trial—Conviction—and Death—Remarks upon that trial—Irish informers—Irish juries—The influence of the times upon Mr. Curran's style of oratory.

THE period was now approaching which afforded to Mr. Curran's forensic talents their most melancholy, but most splendid occasions of exertion. With this year (1794) commences the series of those historical trials which originated in the distracted condition of his country, and to the political interest of which his eloquence has now imparted an additional attraction.

From the year 1789 the discontents of Ireland had been rapidly increasing: the efforts of the opposition in parliament having failed to procure a reform of the abuses and grievances of which the nation complained, an opinion soon prevailed throughout the community that the Irish

administration had entered into a formal design to degrade the country, and virtually to annul its lately acquired independence, by transferring the absolute dominion over it from the English parliament, which had previously governed it, to the English cabinet, which was to be its future ruler. Without inquiring now into the truth of this opinion, it will be sufficient to observe, that, in the agitation of the many irritating questions that it involved, it soon appeared that Ireland had little hope of seeing them terminated by the gentle methods of argument or persuasion. The adherents of the administration, and their opponents, were agreed upon the fact of the universal discontent, and upon the dangers that it threatened; but they differed widely upon the measures that should be adopted for the restoration of repose.

The first were determined to use coercion. They seemed to think that popular excesses are almost solely the people's own creation—that they are naturally prone to disaffection—that complaints of grievances

are resorted to as a mere pretext to gratify this propensity; and, consequently, that a provident government should vigorously resist every movement of discontent, as the fearful tokens of projected revolution. In conformity with these opinions, it appeared to them that terror alone could tranquillize Ireland; and, therefore, that every method of impressing upon the public mind the power of the state, no matter how unpopular their nature, or how adverse to the established securities of the subject, should be adopted and applauded as measures of salutary restraint.

The truth and expediency of these doctrines were as firmly denied by others, who maintained that conciliation alone could appease the popular ferment. They deplored the general tendency to disaffection as notorious and undeniable; but they considered that there would have been more wisdom in preventing than in punishing it; that a very little wisdom would have been sufficient to prevent it; and

that, in punishing it now, the ministry were "combating, not causes, but effects." They denied that the great mass of the Irish, or of any community, were naturally prone to disaffection. "Their natural impulses (they observed, in replying to the advocates of coercion) are all the other way." Look into history;—for one revolution, or attempt at revolution, of how many long and uninterrupted despotisms do we read;—and, wherever such attempts occur, it is easy to assign the cause. There is one, and only one way of measuring the excellence of any government—by considering the condition of the governed. No well governed people will desire to exchange real and present blessings for the danger and uncertainty of remote and fantastic speculations: and if ever they are found to commit their lives and fortunes to such desperate experiments, it is the most conclusive evidence that they are badly governed, and that their sufferings have impelled them "to rise up in vengeance, to rend their chains

upon the heads of their oppressors." Look to the neighbouring example of France, and see what abominations an infuriated populace may be brought to practise upon their rulers and upon themselves. Let Ireland be saved from the possibility of such a crisis. The majority of its people are in a state of odious exclusion, visiting them in its daily consequences with endless insults and privations, which, being minute and individual, are only the more intolerable. Would it not be wise, then, to listen to their claim of equal privileges, which, if granted, would give you the strongest security for their loyalty? There are other grievances—the notorious corruption of the legislature—the enormity of the pension list—and many more—of these the nation complains, and seems determined to be heard*. The times are

* Every session the opposition, again and again, pressed upon the ministers the dangers to which their system was exposing the state. Thus Mr. Grattan observed, early in 1793, "They (the ministers) attempted to put down the constitution; but now they have put down the go-

peculiar; and, if the popular cry be not the voice of wisdom, it should at least be that of warning. The mind of all Europe is greatly agitated: a general distrust of governments has gone abroad; let that of Ireland exhibit such an example of virtue and moderation, as may entitle it to the

vernment. We told them so—we admonished them—we told them their driving would not do. Do not they remember how in 1790 we warned them? They said we were severe:—I am sure we were prophetic. In 1791 we repeated our admonition—told them that a government of clerks would not do—that the government of the treasury would not do—that Ireland would not long be governed by the trade of parliament;—we told them that a nation, which had rescued her liberty from the giant of Old England, would not long bear to be trodden on by the violence of a few pigmies, whom the caprice of a court had appointed ministers." Mr. Curran's language was equally emphatic—"Ireland thinks, that, without an immediate reform, her liberty is gone:—I think so too. While a single guard of British freedom, either internal or external, is wanting, Ireland is in bondage. She looks to us for her emancipation. She expects not impossibilities from us—but she expects honesty and plain dealing; and, if she finds them not, remember what I predict—she will abominate her parliament, and look for a reform to herself."—*Parl. Deb.* 1793.

confidence of the people. The people seem inclined to turbulence; but treat it as a disease rather than avenge it as a crime. Between a state and its subjects there should be no silly punctilio; their errors can never justify yours: you may coerce—you may pass intemperate laws, and erect unheard of tribunals, to punish what you should have averted—you may go on to decimate, but you will never tranquillize *."

These were in substance the views and arguments of the minority in the Irish House of Commons, and of the more reflecting and unprejudiced of the Irish community; but such mild doctrines had little influence with that assembly, or with the nation. By the parliament the few that advanced them were regarded as the advocates of the existing disorders, because they ventured to explain their origin, and to recommend the only cure; while

* For an elaborate view of the state of Ireland, and of public opinion at this period, see Mr. Grattan's letter in the Appendix.

the people were industriously taught to withdraw their confidence from public men, who, instead of justifying the popular resentments by a more unequivocal co-operation, were looking forward to the impending crisis as an object of apprehension, and not of hope.

Such was the condition of the public mind—the government depending upon force—the people familiarising themselves to projects of resistance—and several speculative and ambitious men of the middle classes watching, with yet unsettled views, over the fermenting elements of revolution, until it should appear how far they could work themselves into union and consistency, when Mr. Archibald Hamilton Rowan* published an address to the volunteers of Ireland, setting forth the

* Mr. Rowan was secretary to the Society of United Irishmen at Dublin. It is proper to observe here, that this was one of the original societies of that denomination, whose views did not extend beyond a constitutional reform. They have been sometimes confounded with the subsequent associations, which, under the same popular appellation, aimed at a revolution.

dangers with which the country was threatened from foreign and domestic foes, and inviting them to resume their arms for the preservation of the general tranquillity. This publication was prosecuted by the state as a seditious libel, and Mr. Curran was selected by Mr. Rowan to conduct his defence.

The speech in defence of Hamilton Rowan has been generally considered as one of Mr. Curran's ablest efforts at the bar. It is one of the few that has been correctly reported; and to that circumstance is, in some degree, to be attributed its apparent superiority. Notwithstanding the enthusiastic applause which its delivery excited, he never gave it any peculiar preference himself.

The opening of it has some striking points of resemblance to the exordium of Cicero's defence of Milo. If an imitation was intended by the Irish advocate, it was very naturally suggested by the coincidence of the leading topics in the two cases—the public interest excited—the unusual mili-

tary array in the court—the great popularity of the clients—and the factious clamours which preceded their trials *.

"When I consider the period at which this prosecution is brought forward—when I behold the extraordinary safeguard of armed soldiers resorted to, no doubt, for the preservation of peace and order—when I catch, as I cannot but do, the throb of public anxiety, that beats from one end to the other of this hall—when I reflect on what may be the fate of a man of the most beloved personal character, of one of the most respected families of our country, himself the only individual of that family,

* Nam illa præsidia, quæ pro templis omnibus cernitis, etsi contra vim collocata sunt, nobis afferunt tamen horroris aliquid: neque eorum quisquam, quos undique intuentes cernitis, unde aliqua pars fori adspici potest, et hujus exitum judicii expectantes, non cum virtuti Milonis favet, tum de se, de liberis suis, de patria, de fortunis hodierno die decertari putat.

Unum genus est adversum infestumque nobis eorum, quos P. Clodii furor rapinis et incendiis et omnibus exitiis publicis pavit; qui hesterna etiam concione incitati sunt, ut vobis voce præirent, quid judicaretis.

I may almost say of that country—who can look to that possible fate with unconcern? Feeling, as I do, all these impressions, it is in the honest simplicity of my heart I speak, when I say that I never rose in a court of justice with so much embarrassment as on this occasion.

"If, gentlemen, I could entertain a hope of finding refuge for the disconcertion of my own mind in the perfect composure of yours; if I could suppose that those awful vicissitudes of human events that have been stated or alluded to, could leave your judgments undisturbed or your hearts at ease, I know I should form a most erroneous opinion of your character. I entertain no such chimerical hope—I form no such unworthy opinion—I expect not that your hearts can be more at ease than my own—I have no right to expect it; but I have a right to call upon you in the name of your country, in the name of the living God, of whose eternal justice you are now administering that portion which dwells with us on this side of the

grave, to discharge your breasts, as far as you are able, of every bias of prejudice or passion—that, if my client be guilty of the offence charged upon him, you may give tranquillity to the public by a firm verdict of conviction; or, if he be innocent, by as firm a verdict of acquittal; and that you will do this in defiance of the paltry artifices and senseless clamours that have been resorted to, in order to bring him to his trial with anticipated conviction. And, gentlemen, I feel an additional necessity of thus conjuring you to be upon your guard, from the able and imposing statement which you have just heard on the part of the prosecution. I know well the virtues and the talents of the excellent person who conducts that prosecution*. I know how much he would disdain to impose on you by the trappings of office; but I also know how easily we mistake the lodgement which character

* The Attorney-General, Mr. Wolfe, afterwards Lord Kilwarden.

and eloquence can make upon our feelings, for those impressions that reason, and fact, and proof only, ought to work upon our understandings."

When Mr. Curran came to observe upon that part of the publication under trial, which proposed complete emancipation to persons of every religious persuasion, he expressed himself as follows:—

"Do you think it wise or humane, at this moment, to insult them (the Catholics) by sticking up in the pillory the man who dared to stand forth as their advocate? I put it to your oaths; do you think that a blessing of that kind, that a victory obtained by justice over bigotry and oppression, should have a stigma cast upon it by an ignominious sentence upon men bold and honest enough to propose that measure?—to propose the redeeming of religion from the abuses of the church, the reclaiming of three millions of men from bondage, and giving liberty to all who had a right to demand it?—Giving, I say, in the so much censured

words of this paper—giving 'Universal Emancipation?'

"I speak in the spirit of the British law, which makes liberty commensurate with, and inseparable from, British soil; which proclaims even to the stranger and the sojourner, the moment he sets his foot upon British earth, that the ground on which he treads is holy, and consecrated by the genius of universal emancipation. No matter in what language his doom may have been pronounced—no matter what complexion incompatible with freedom, an Indian or an African sun may have burnt upon him—no matter in what disastrous battle his liberty may have been cloven down—no matter with what solemnities he may have been devoted upon the altar of slavery—the first moment he touches the sacred soil of Britain, the altar and the god sink together in the dust; his soul walks abroad in her own majesty; his body swells beyond the measure of his chains that burst from around him; and he stands redeemed,

regenerated, and disenthralled, by the irresistible genius of Universal Emancipation."

There is, farther on, a passage on the freedom of the press, too glowing and characteristic to be omitted:—

"If the people say, let us not create tumult, but meet in delegation, they cannot do it; if they are anxious to promote parliamentary reform in that way, they cannot do it; the law of the last session has, for the first time, declared such meetings to be a crime. What then remains?—The liberty of the press *only*—that sacred palladium which no influence, no power, no minister, no government, which nothing but the depravity, or folly, or corruption of a jury can ever destroy. And what calamities are the people saved from, by having public communication left open to them? I will tell you what they are saved from, and what the government is saved from. I will tell you also to what both are exposed, by shutting up that communication. In one case sedi-

tion speaks aloud, and walks abroad; the demagogue goes forth—the public eye is upon him—he frets his busy hour upon the stage; but soon either weariness, or bribe, or punishment, or disappointment, bear him down, or drive him off, and he appears no more. In the other case, how does the work of sedition go forward? Night after night the muffled rebel steals forth in the dark, and casts another and another brand upon the pile, to which, when the hour of fatal maturity shall arrive, he will apply the flame. If you doubt of the horrid consequences of suppressing the effusion even of individual discontent, look to those enslaved countries, where the protection of despotism is supposed to be secured by such restraints. Even the person of the despot there is never in safety. Neither the fears of the despot, nor the machinations of the slave, have any slumber; the one anticipating the moment of peril, the other watching the opportunity of aggression. The fatal crisis is equally a surprise upon both; the

decisive instant is precipitated without warning, by folly on the one side, or by phrensy on the other; and there is no notice of the treason till the traitor acts. But if you wish for a nearer and more interesting example, you have it in the history of your own revolution; you have it at that memorable period when the monarch found a servile acquiescence in the ministers of his folly—when the liberty of the press was trodden under foot—when venal sheriffs returned packed juries, to carry into effect those fatal conspiracies of the few against the many—when the devoted benches of public justice were filled by some of those foundlings of fortune, who, overwhelmed in the torrent of corruption at an early period, lay at the bottom like drowned bodies, while soundness or sanity remained in them; but, at length, becoming buoyant by putrefaction, they rose as they rotted, and floated to the surface of the polluted stream, where they were drifted along,

the objects of terror, and contagion, and abomination*.

"In that awful moment of a nation's travail—of the last gasp of tyranny and the first breath of freedom, how pregnant is the example? The press extinguished, the people enslaved, and the prince undone. As the advocate of society, therefore, of peace, of domestic liberty, and the lasting union of the two countries, I conjure you to guard the liberty of the press, that great sentinel of the state, that grand detector of public imposture—

* Although it has been doubted by some who have observed upon this passage, whether its vigour could atone for the images that it presents, it may not be ungratifying to hear the manner in which it was suggested to the speaker's mind. A day or two before Mr. Rowan's trial, one of Mr. Curran's friends shewed him a letter that he had just received from Bengal, in which the writer, after mentioning the Hindoo custom of throwing the dead into the Ganges, added, that he was then upon the banks of that river, and that, as he wrote, he could see several bodies floating down its stream. The orator shortly after, while describing a corrupted bench, recollected this fact, and applied it as above.

guard it—because when it sinks there sinks with it, in one common grave, the liberty of the subject, and the security of the crown."

The concluding passage of this speech (of which the preceding extracts are inserted merely as examples of its style) contains one of those fine scriptural allusions, of which Mr. Curran made such frequent and successful use:—

"I will not relinquish the confidence that this day will be the period of his sufferings; and however mercilessly he has been hitherto pursued, that your verdict will send him home to the arms of his family and the wishes of his country. But if (which Heaven forbid) it hath still been unfortunately determined that, because he has not bent to power and authority, because he would not bow down before the golden calf and worship it, he is to be bound and cast into the furnace; I do trust in God, that there is a redeeming spirit in the constitution, which will be seen to walk with the sufferer through the flames,

and to preserve him unhurt by the conflagration."

If the expression of excited emotions by the auditors be the test of eloquence, this was the most eloquent of Mr. Curran's forensic productions. To applaud in a court of justice, is at all times irregular, and was then very rare; but both during the delivery and after the conclusion of this speech, the by-standers could not refrain from testifying their admiration by loud and repeated bursts of applause: when the advocate retired from the court, they took the horses from his carriage, which they drew to his own house; yet notwithstanding this public homage to his talents, the most grateful reward of his exertions was wanting—the jury, of whose purity very general suspicions were entertained, found a verdict against his client *.

* Mr. Rowan was sentenced to fine and imprisonment. In the month of June, 1794, Dr. William Drennan was prosecuted for the publication of the same libel. He was defended by Mr. Curran, and acquitted; not, however, on the merits of the imputed libel, but on failure

In the beginning of the year 1795, Lord Fitzwilliam having become viceroy of Ireland, Mr. Curran was upon the point of being raised to the situation of solicitor general; but the sudden recal of that nobleman defeated this, as well as many other projected changes.

It should be mentioned here, that from the year 1789, frequent attempts were made by the adherents of the administration to detach Mr. Curran from the party, which he had formally joined, at that period. Every motive of personal ambition was held out to allure him, and all the influence of private solicitations exerted, but in vain. About this time, when the general panic was daily thinning the ranks of the opposition, his most intimate and attached friend, the late Lord Kilwarden (then the attorney general) frequently urged

of proof that Dr. Drennan had published it. On the first of the preceding May Mr. Rowan effected his escape from prison, and fled to France. After a long exile, and many wanderings, he was permitted, a few years ago, to return to his country, where he now resides. An interesting communication from himself upon this subject will be found in Howell's State Trials for 1794.

him to separate himself from a hopeless cause, and to accept the rewards and honours that were so open to him. Upon one occasion, when Mr. Curran was confined by illness to his bed, that gentleman visited him, and renewing the subject, with tears in his eyes implored him to consult his interest and his safety: "I tell you (said Mr. Wolfe) that you have attached yourself to a desperate faction, that will abandon you at last; with whom you have nothing to expect but danger and disappointment. With us, how different would be your condition—I ask for no painful stipulations on your part, only say that you would accept of office—*my* situation will probably soon be vacant for you, and after that, the road would be clear before you." This proof of private affection caused Mr. Curran to weep, but he was unshaken; he replied, "that he knew, better than his friend could do, the men with whom he was associated; that they were *not* a desperate faction; that their cause was that of Ireland, and that even though it should eventually be branded with the indelible

stigma of failure, he should never regret that it was with such men, and such a cause, that he had linked his final destinies."

TRIAL OF THE REV. W. JACKSON.

The next state trial of importance in which Mr. Curran was engaged, was that of Mr. William Jackson, a case of which some of the attending circumstances were so singular, that they cannot be omitted here.

Mr. Jackson was a clergyman of the established church; he was a native of Ireland, but had for several years resided out of that country. A part of his life was spent in the family of the noted Duchess of Kingston, and he is said to have been the person who conducted that lady's controversy with the celebrated Foote*. At the period of the

* Foote, at the close of his letter to her Grace, observes: "pray, madam, is not J——n the name of your female confidential secretary?" and afterwards, "that you may never want *the benefit of clergy* in every emergency, is the wish of

Yours, &c."

French revolution, he passed over to Paris, where he formed political connections with the ruling powers there: from France he returned to London in 1794, for the purpose of procuring information as to the practicability of an invasion of England; and was thence to proceed to Ireland on a similar mission. Upon his arrival in London, he renewed an intimacy with a person named Cockayne, who had formerly been his friend and confidential attorney. The extent of his communications, in the first instance, to Cockayne did not exactly appear; the latter, however, was prevailed upon to write the directions of several of Jackson's letters, containing treasonable matters, to his correspondents abroad; but in a little time, either suspecting or repenting that he had been furnishing evidence of treason against himself, he revealed to the British minister, Mr. Pitt, all that he knew or conjectured relative to Jackson's objects. By the desire of Mr. Pitt, Cockayne accompanied Jackson to Ireland, to watch and defeat his designs,

and as soon as the evidence of his treason was mature, announced himself as a witness for the crown. Mr. Jackson was accordingly arrested, and committed to stand his trial for high treason. . . .

It did not appear that he had been previously connected with any of the political fraternities then so prevalent in Ireland, but some of them took so deep an interest in his fate, that the night before his trial, four persons of inferior condition, members of those societies, formed a plan (which, however, proved abortive) to seize and carry off Cockayne, and perhaps to despatch him, in order to deprive the government of the benefit of his testimony *.

* Trial of John Leary for high treason, Dec. 28, 1795.—This fact came out on the cross examination of Lawler, an informer, and the witness against the prisoner in this case. Lawler was one of the party that was to have seized Cockayne: he did not actually admit that he was to have been assassinated; but he allowed that the objection to such a measure was, "that if Cockayne were put to death, and the court should know it, the informations he had given could be read in evidence against Jackson." From the character of Lawler, however, it was generally suspected that assassination was intended.

Mr. Jackson was committed to prison in April, 1794, but his trial was delayed, by successive adjournments, till the same month in the following year. In the interval, he wrote and published a refutation of Paine's Age of Reason, probably in the hope that it might be accepted as an atonement*. He was convicted, and brought

* Examples of honourable conduct, no matter by whom displayed, are heard with pleasure by every friend to human nature. Of such, a very rare instance was given by this gentleman during his imprisonment. For the whole of that period he was treated with every possible indulgence, a fact which is so creditable to the Irish government, that it would be unjust to suppress it. Among the other acts of lenity extended to him, was a permission to enjoy the society of his friends. A short time before his trial, one of these remained with him to a very late hour of the night; when he was about to depart, Mr. Jackson accompanied him as far as the place where the gaoler usually waited upon such occasions, until all his prisoner's visitors should have retired. They found the gaoler in a profound sleep, and the keys of the prison lying beside him. "Poor fellow!" said Mr. Jackson, taking up the keys, "let us not disturb him; I have already been too troublesome to him in this way." He accordingly proceeded with his friend to the outer door of the prison, which he opened. Here the facility of

up for judgment on the 30th of April, 1795 *.

escaping naturally struck him,—he became deeply agitated; but after a moment's pause, "*I could do it*," said he, "but what would be the consequences to you, and to the poor fellow within, who has been so kind to me? No! let me rather meet my fate." He said no more, but locking the prison door again, returned to his apartment. It should be added that the gentleman, out of consideration for whom such an opportunity was sacrificed, gave a proof upon this occasion that he deserved it. He was fully aware of the legal consequences of aiding in the escape of a prisoner committed under a charge of high treason, and felt that in the present instance, it would have been utterly impossible for him to disprove the circumstantial evidence that would have appeared against him; yet he never uttered a syllable to dissuade his unfortunate friend. He however considered the temptation to be so irresistible, that, expecting to find the prisoner, upon farther reflection, availing himself of it, he remained all night outside the prison door, with the intention, if Mr. Jackson should escape, of instantly flying from Ireland.

This anecdote is related in less detail by Mr. Thomas Addis Emmet, in Mac Neven's Pieces of Irish History.

* The report of Mr. Curran's defence of Jackson will be found in the lately published volume of Howell's State Trials. It was (as he observed himself) "a narrow case," and afforded few materials for the display of eloquence. The principal points which he urged, were

It is at this stage of the proceedings that the case of Jackson becomes terribly peculiar. Never, perhaps, did a British court of justice exhibit a spectacle of such appalling interest as was witnessed by the king's bench of Ireland, upon the day that this unfortunate gentleman was summoned to hear his fate pronounced. He had a day or two before made some allusions to the subject of suicide. In a conversation with his counsel in the prison, he had observed to them that his food was always cut in pieces before it was brought to him, the gaoler not venturing to trust him with a knife or fork. This precaution he ridiculed, and observed, "that the man who feared not death, could never want the means of dying, and that as long as his head was within reach of the prison-wall, he could prevent his body's being suspended to scare the community." At the moment, they regarded this as a mere casual ebullition, and did not give it much attention.

the necessity of two witnesses (as in England), and the impeached character of the single witness, Cockayne.

On the morning of the 30th of April, as one of these gentlemen was proceeding to court, he met in the streets a person warmly attached to the government of the day; the circumstance is trivial, but it marks the party spirit that prevailed, and the manner in which it was sometimes expressed: "I have (said he) just seen your client, Jackson, pass by on his way to the king's bench to receive sentence of death. I always said he was a coward, and I find I was not mistaken; his fears have made him sick—as the coach drove by, I observed him with his head out of the window vomiting violently." The other hurried on to the court, where he found his client supporting himself against the dock; his frame was in a state of violent perturbation, but his mind was still collected. He beckoned to his counsel to approach him, and making an effort to squeeze him with his damp and nerveless hand, uttered in a whisper, and with a smile of mournful triumph, the dying words of Pierre,

"We have deceived the senate *."

* Otway's Venice Preserved.

The prisoner's counsel having detected what they conceived to be a legal informality in the proceedings, intended to make a motion in arrest of his judgment; but it would have been irregular to do so until the counsel for the crown, who had not yet appeared, should first pray the judgment of the court upon him. During the interval, the violence of the prisoner's indisposition momentarily increased, and the chief justice, Lord Clonmel, was speaking of remanding him, when the attorney general came in, and called upon the court to pronounce judgment upon him. Accordingly "the Reverend William Jackson was set forward," and presented a spectacle equally shocking and affecting. His body was in a state of profuse perspiration; when his hat was removed, a dense steam was seen to ascend from his head and temples; minute and irregular movements of convulsion were passing to and fro upon his countenance; his eyes were nearly closed, and when at intervals they opened, discovered by the glare of death upon them, that the hour of dissolution was

at hand. When called on to stand up before the court, he collected the remnant of his force to hold himself erect; but the attempt was tottering and imperfect: he stood rocking from side to side, with his arms in the attitude of firmness, crossed over his breast, and his countenance strained by a last proud effort into an expression of elaborate composure. In this condition he faced all the anger of the offended law, and the more confounding gazes of the assembled crowd. The clerk of the crown now ordered him to hold up his right hand; the dying man disentangled it from the other, and held it up, but it instantly dropped again. Such was his state, when in the solemn simplicity of the language of the law, he was asked, "What he had now to say why judgment of death and execution thereon, should not be awarded against him, according to law?" Upon this Mr. Curran rose, and addressed some arguments to the court in arrest of judgment. A legal discussion of considerable length ensued. The condition of Mr. Jackson was all this

while becoming worse. Mr. Curran proposed that he should be remanded, as he was in a state of body that rendered any communication between him and his counsel impracticable: Lord Clonmel thought it lenity to the prisoner to dispose of the question as speedily as possible. The windows of the court were thrown open to relieve him, and the discussion was renewed: but the fatal group of death-tokens were now collecting fast around him; he was evidently in the final agony. At length, while Mr. Ponsonby, who followed Mr. Curran, was urging further reasons for arresting the judgment, their client *sunk in the dock**.

* As soon as the cause of Mr. Jackson's death was ascertained, a report prevailed that his counsel had been previously in the secret, and that their motion in arrest of judgment was made for the sole purpose of giving their client time to expire before sentence could be passed upon him: but for the assertion of this fact, which, if true, would have placed them in as strange and awful a situation as can well be imagined, there was no foundation. So little prepared were they for such an event, that neither of his assigned counsel (Messrs. Curran and Pon-

The conclusion of the scene is given as follows in the reported trial.

Lord Clonmel.—"If the prisoner is in a state of insensibility, it is impossible that I can pronounce the judgment of the court upon him."

Mr. Thomas Kinsley, who was in the jury box, said he would go down to him; he accordingly went into the dock, and in a short time informed the court that the prisoner was certainly dying.

By order of the court Mr. Kinsley was sworn.

Lord Clonmel.—"Are you in any profession?"

Mr. Kinsley.—"I am an apothecary."

sonby) appeared in court until a considerable time after the prisoner had been brought up. It was Mr. M'Nally, who had been one of his assistant counsel upon the trial, and who found him in the condition above described, that first became acquainted with the fact of his having taken poison; and he, at the request of the unfortunate prisoner, rose as *amicus curiæ*, for the purpose of occupying the court till the others should arrive and make their intended motion. It was probably from this circumstance that the report originated.

Lord Clonmel.—"Can you speak with certainty of the state of the prisoner?"

Mr. Kinsley.—"I can; I think him verging to eternity."

Lord Clonmel.—"Do you think him capable of hearing his judgment?"

Mr. Kinsley.—"I do not think he can."

Lord Clonmel.—"Then he must be taken away: take care that in sending him away no mischief be done. Let him be remanded until further orders; and I believe it as much for his advantage as for all of yours to adjourn."

The sheriff informed the court that the prisoner was *dead*.

Lord Clonmel.—"Let an inquisition, and a respectable one, be held on the body. You should carefully inquire by what means he died."

The court then adjourned, and the body of the deceased remained in the dock, unmoved from the position in which he had expired, until the following day, when an inquest was held. A large quantity of metallic poison was found in his stomach.

The preceding day, a little before he was brought up to court, the gaoler having visited his room, found him with his wife, much agitated, and vomiting violently; he had just taken, he said, some tea, which disagreed with him; so that there remained no doubt that the unfortunate prisoner, to save himself and his family the shame of an ignominious execution, had anticipated the punishment of the laws by taking poison.

The following sentences, in his own handwriting, were found in his pocket.

"Turn thee unto me, and have mercy upon me, for I am desolate and afflicted."

"The troubles of my heart are enlarged: Oh bring thou me out of my distresses."

"Look upon my affliction and my pain, and forgive all my sins."

"Oh! keep my soul and deliver me. Let me not be ashamed, for I put my trust in thee."

Independent of this awful scene, the trial of Jackson was a memorable event. It was the first trial for high treason which

had occurred in that court for upwards of a century. As a matter of legal and of constitutional interest, it established a precedent of the most vital (Englishmen would say, of the most fatal) importance to a community having any pretensions to freedom. Against the authority of Coke, and the reasoning of Blackstone, and against the positive reprobation of the principle by the English legislature, it was solemnly decided in Jackson's case, that in Ireland one witness was sufficient to convict a prisoner upon a charge of high treason—"that the breath which cannot even taint the character of a man in England, shall in Ireland blow him from the earth*." This decision has ever since been recognised and acted upon, to the admiration of that class of politicians (and they have abounded in Ireland) who contend, that in every malady of the state blood should be plentifully drawn; and to the honest indignation of men of equal capacity and integrity, who consider that, without reason or necessity, it establishes

* Mr. Curran's defence of Jackson.

an odious distinction, involving in it a disdain of what Englishmen boast as a precious privilege, alluring accusations upon the subject, and conferring security and omnipotence upon the informer.

It is a little singular to observe, in the state trials that followed, the effects of such a law, and to what a class of witnesses it familiarized the Irish courts of justice. From the event it would appear, that there was as much of prophecy, as of constitutional zeal, in Mr. Curran's efforts to prevent its establishment, and afterwards to produce its repeal*. To say

* Two days after Jackson's conviction, Mr. Curran moved in the house of commons for leave to bring in a bill for amending the law of Ireland in cases of high treason, and assimilating it with that of England.

The attorney general earnestly intreated of the mover to postpone the introduction of this bill, lest it might throw a character of illegality upon Jackson's conviction. He believed that the present difference in the law of the two countries (as to the number of witnesses required) did not arise from casual omission, but from serious deliberation; it was (he thought) rather necessary to strengthen the crown against the popular crime, than to strengthen the criminal against the crown.

nothing but of a few of those cases in which he acted as counsel, the fates of

Mr. Curran differed, and considered the rock on which criminal law generally split was its excessive severity. For the reason first assigned, however, he agreed to postpone the bill; but foreseeing its inevitable failure, he never brought it forward again.

In England, by different statutes regulating trials for high treason, two witnesses are required. (Algernon Sydney's attainder, as is well known, was reversed, because, among other reasons, there had been but one legal witness to any act of treason.) When those statutes were enacted in Ireland, the clauses requiring two witnesses were omitted. Upon Jackson's trial, therefore, the question was, what had been the old common law of England. Lord Coke lays it down, that by that law one witness was never sufficient. Judge Foster, differing from him, gives it as his, and as the general opinion, that two were not required by the common law. Of the same opinion is Serjeant Hawkins. These (according to the report of Jackson's trial) were the only authorities referred to by Lord Clonmel in deciding the point. For the contrariety of opinions upon this subject, see the proceedings in Sir J. Fenwick's case, State Trials.

It cannot be too much lamented, that in such an important particular, the law of the two countries should thus differ. The principle cannot be right in both. Inferior regulations may vary, but the laws that provide for the safety of the state and the security of the subject

Jackson, Weldon, M'Cann, Byrne, Bond, the Sheareses, Finney, rested almost entirely on the credibility of a single witness. All of these, except the last, were convicted; and that they were involved in the projects, for which they were tried and suffered, is now a matter of historical notoriety. Few, it is hoped, will main-

are not local ordinances; they are general laws, and should be founded on the principles which are to be derived from an experience of the operation of human passions, and of the value of human testimony. In Ireland, it has been said, that from the state of society, the crown demanded additional security: but the same argument applies as strongly the other way; for if any community is in such a state of demoralization that its members are found violating their oaths, and indulging their passions by frequent acts of treason, is it not equally clear that they will not refrain from doing the same by frequent acts of perjured evidence? Whoever will submit to the "penance" of reading the English or Irish state trials, will soon perceive that treason and perjury are always cotemporary crimes, and that the dangers of the crown and of the subject are at every period reciprocal and commensurate. Certainly, as the laws at present stand, either the English subject enjoys too many privileges, or the Irish too few; but that the former is not the case long experience has now incontestably established.

tain the dangerous principle, that the subject should have the inducement of impunity to conspire against the state—such a doctrine would bring instant ruin upon any society; but every friend to constitutional law will distinguish between the evidence that precedes a conviction and that which follows; he will remember that the forms of trial, and the legality of evidence, have not been established for the solitary purpose of punishing the guilty; that their most precious use is for the security of innocence; and that if, forejudging the real offender, we too hastily deprive him of a single privilege of defence, we establish a perilous rule that survives the occasion and extends beyond it, and of which those who never offended may hereafter be the victims. If the trials of the individuals just named be considered with a reference to this view, they will be found to contain matter of important reflection. We may not feel justified in lamenting their personal fate—in giving to their memories "the trai-

torous humanity and the rebel tear," yet we cannot but be shocked at the characters of the persons by whose evidence they were carried off. These were all of them men of blighted reputation. It was not merely that they had been accomplices in the crimes which they came to denounce; and that, finding the speculation dangerous and unprofitable, they endeavoured to retrieve their credit and circumstances, by setting up as "loyal apostates." Deeper far was, if not their legal offence, their moral depravity. Dreadful were the confessions of guilt, of dishonour, and irreligion extorted from these wretches. If their direct examination produced a list of the prisoners' crimes, as regularly did their cross-examination elicit a darker catalogue of their own. In the progress of their career from participation to discovery, all the tender charities of life were abused—every sacred tie rent asunder. The agent, by the semblance of fidelity, extracted the secret of his client and his friend, and

betrayed him*! The spy resorted to the habitation of his victim, and, while sharing his hospitality, and fondling his children, was meditating his ruin†. Here

* Jackson's Trial.

† Jackson's Trial and the Trial of the Sheareses. A few days before Cockayne had openly announced himself as an informer, he was invited to accompany Jackson to dine with a friend of the latter. After dinner, as soon as the wine had sufficiently circulated, Jackson, according to a previous suggestion from Cockayne, began to sound the political dispositions of the company, and particularly addressed himself to a gentleman of rank who sat beside him, and who, there has been subsequent reason to believe, was deeply involved in the politics of the time. During the conversation, Cockayne appeared to have fallen asleep; but, in the midst of it, the master of the house was called out by his servant, who informed him, that he had observed something very singular in Mr. Jackson's friend—"he has his hand," said the servant, "over his face, and pretends to be asleep, but when I was in the room just now I could perceive the glistening of his eye through his fingers." The gentleman returned to his guests; and, whispering to him, who was conversing with Jackson, to be cautious in his language, probably prevented some avowal which might eventually have cost him his life. Upon such trivial accidents do the fates of men depend in agitated times!

was to be seen the wild atheist, who had gloried in his incredulity, enjoying a lucid interval of faith, to stamp a legal value on his oath*—there the dishonest dealer, the acknowledged perjurer, the future murderer†.

It has been often a matter of surprise that juries had not the firmness to spurn altogether the testimony of such delinquents. In England, upon a recent occasion‡, a jury did so; but in Ireland there raged, at this time, an epidemic panic. In the delirious fever of the moment, even though the juror might not have thirsted for the blood of the accused, he yet trembled for his own;—affrighted by actual danger, or by the phantoms of his disturbed imagination, he became blind or indifferent to the horrors of the immediate scene. The question was often not whether the witness was a man he could believe, but whether his verdict dare assert the contrary. Perhaps the more flagitious the

* Trial of the Sheareses.

† Finney's Trial; and the other State Trials of 1798.

‡ Trial of Watson and others for high treason.

witness, the more absolutely was he the tyrant of the juror's conscience. Any movements of humanity or indignation in the breast of the latter must have instantly been quelled by the recollection, that to yield to them might be to point out himself as an object of suspicion, and as the next experiment for an adventurous and irritated informer.

It is in the same circumstances that we are to look for an excuse (if excuse be necessary) for those impassioned appeals, for that tone of high and solemn obtestation, by which Mr. Curran's professional efforts at this period are distinguished. In more tranquil times, or in a more tranquil country, such enthusiasm may appear extravagant and unnatural; but it should be remembered, that, from the nature of the cases, and the character of his audience, his address often became rather a religious exhortation than a mere forensic harangue*. His situation was very different

* Of this, examples will occur in the following pages. Upon inferior occasions we find him impressing the

from that of the English advocate, who, presupposing in his hearers a respect for most obvious political truths, by a simplicity of illustration, which shews the description of men among whom he was thrown. When he wished to explain to a jury, "that their country could never be prosperous, or happy, without a general participation of happiness to all its people," he thus proceeds:—"A privileged order in a state may, in some sort, be compared to a solitary individual separated from the society, and unaided by the reciprocal converse, affections, or support of his fellow men. It is like a tree standing singly on a high hill, and exposed to the rude concussions of every varying blast, devoid of fruit or foliage. If you plant trees around it, to shade it from the inclemency of the blighting tempest, and secure to it its adequate supply of sun and moisture, it quickly assumes all the luxuriance of vegetation, and proudly rears its head aloft, fortified against the noxious gales which agitate and wither the unprotected brambles lying without the verge of the plantation. Upon this principle acted the dying man, whose family had been disturbed by domestic contentions. Upon his death-bed he calls his children around him; he orders a bundle of twigs to be brought; he has them untied; he gives to each of them a single twig; he orders them to be broken, and it is done with facility; he next orders the twigs to be united in a bundle, and directs each of them to try his strength upon it. They shrink from the task as impossible. 'Thus, my children, (continued the old man) it is union alone that can render you secure against the

the great fundamental principles of law and of ethics, securely appeals to them, in the conviction, that, if his client deserves it, he shall have all their benefit. In Ireland the client was not certain of all their benefit. In Ireland, during those distracted days, every furious passion was abroad. The Irish advocate knew that the juries with whom he had to deal were often composed of men whose feelings of humanity and religion were kept under by their political prejudices—that they had already foredoomed his client to the grave—that, bringing with them the accumulated animosities of past centuries, they came less to try the prisoner than to justify themselves; and make their verdict a vote of approbation upon the politics of their party*. To make an impression upon

attempts of your enemies, and preserve you in that state of happiness which I wish you to enjoy.'"

Speech in Defence of Bird, Hamill, and others, tried at Drogheda, 1794.

* The following observations of Mr. Curran will give some idea of the juries of those days: he is addressing a jury impanneled to try the validity of a challenge.

such men, he had to awaken their dormant sympathies by reiterated statements of the

"This is no common period in the history of the world —they are no ordinary transactions that are now passing before us. All Europe is shaken to its centre; we feel its force, and are likely to be involved in its consequences. There is no man who has sense enough to be conscious of his own existence, who can hold himself disengaged and unconcerned amidst the present scenes: and, to hear a man say that he is unbiassed and unprejudiced, is the surest proof that he is both. Prejudice is the cobweb that catches vulgar minds; but the prejudices of the present day float in the upper regions—they entangle the lofty heads—they are bowing them down—you see them as they flutter, and hear them as they buz. Mr. —— has become a very public and a very active man: he has his mind, I doubt not, stored with the most useful and extensive erudition—he is clothed with the sacred office of a minister of the gospel—he is a magistrate of the county—he is employed as agent to some large properties —he is reputably connected, and universally esteemed, and therefore is a man of no small weight and consideration in this county. He has more than once positively sworn that he applied to the high sheriff—that he struck off no names but those that wanted freeholds; but to-day he finds that freeholders were struck off *by his own pen*—he tells you, my lords, and gentlemen triers, with equal modesty and ingenuity, that he has made a *mistake* —he returns eighty-one names to the sheriff—he receives

first principles of morals and religion: he addressed himself to their eternal fears, his object being frequently, not so much to direct their minds to the evidence or the law, as to remind them of the christian duties; and even in those cases, where both law and fact were upon his side, and where, under other circumstances, he might have boldly demanded an acquittal,

blank summonses, fills what he deems convenient, &c. Gracious heaven! what are the courts of justice? what is trial by jury? what is the country brought to? Were it told in the courts above—were it told in other countries—were it told in Westminster Hall, that such a man was permitted to return nearly one half of the grand panel of the county from one particular district,—a district under severe distress,—to which he is agent, and on which, with the authority he possesses, he is able to bring great calamity! He ascends the pulpit with the gospel of benignity and peace—he endeavours to impress himself and others with its meek and holy spirit:—he descends—throws off the purple—seizes the insurrection act in the one hand, and the whip in the other—flies by night and by day after his game; and, with his heart panting, his breath exhausted, and his belly on the ground in the chase, he turns round, and tells you that his mind is unprejudiced—that his breast is full of softness and humanity."—*Down Assizes*, 1795.

he was in reality labouring to extort a pardon.

It was with the same view that he so often made the most impassioned appeals, even to the bench, when he saw that its political feelings were hostile to the interests of his client. Thus, upon the trial of Hamilton Rowan, the principal witness for the crown having deposed that he had seen Mr. Rowan at a meeting of United Irishmen, consisting of 150 persons, and his evidence upon this most material fact having been impeached, the chief justice (Lord Clonmel), in his charge to the jury, observed, "One hundred and fifty volunteers, or United Irishmen, and not one comes forward! Many of them would have been proud to assist him (the traverser). *Their silence speaks a thousand times more strongly than any cavilling upon this man's credit—the silence of such a number is a volume of evidence in support of the prosecution* *." Upon a motion for a new trial,

* This passage of Lord Clonmel's charge was omitted, and, no doubt, designedly, in the original edition of Ha-

Mr. Curran, in commenting upon those expressions, could not refrain from exclaiming, "I never before heard an intimation from any judge to a jury that bad evidence, liable to any and every exception, ought to receive a sanction from the silence of the party. With anxiety for the honour and religion of the law, I demand it of you, must not the jury have understood that this silence was evidence to go to them? Is the meaning contained in the expression 'a volume of evidence' only insinuation? I do not know where any man could be safe—I do not know what any man could do to screen himself from prosecution—I know not how he could be secure, even when he was at prayers before the throne of Heaven, that he was not passing that moment of his life, in which he was to be charged with the commission of some crime to be expiated to society, by the loss of his liberty or of his life—I do not know what shall become of the subject, if the

milton Rowan's trial, published in Dublin. See a note of the London Editor.—*State Trials*, 1794.

jury are to be told that the silence of a man charged is 'a volume of evidence,' that he is guilty of the crime. Where is it written? I know there is a place where vulgar phrensy cries out that the public instrument must be drenched in blood—where defence is gagged, and the devoted wretch must perish. But even there the victim of such tyranny is not made to fill, by voluntary silence, the defects of his accusation; for his tongue is tied, and therefore no advantage is taken of him by construction: it cannot be there said that his not speaking is 'a volume of evidence' to prove his guilt." After some farther observations, he thus concluded his argument—"You are standing on a narrow isthmus, that divides the great ocean of duration—on the one side of the past, on the other of the future—a ground, that, while you yet hear me, is washed from beneath your feet. Let me remind you, my lords, while your determination is yet in your power,—*dum versatur adhuc intra penetralia Vestæ*,—that on that ocean of

the future you must set your judgment afloat; and future ages will assume the same authority which you have assumed; posterity will feel the same emotions which you have felt, when your little hearts have beaten, and your infant eyes have overflowed, at reading the sad story of the sufferings of a Russel or a Sydney."

All this has been represented as very strange, and even absurd, by those who would not reflect upon the state of the times, and the necessity which it imposed upon the advocate of addressing the passions which he knew to be actuating his hearers, no matter to what order of the community they might belong.

CHAPTER IX.

Mr. Curran moves an address to the throne for an inquiry into the state of the poor—Other parliamentary questions—Mr. Ponsonby's plan of reform rejected—Secession of Mr. Curran and his friends—Orr's trial—Finnerty's trial—Finney's trial—The informer James O'Brien.

In May, 1795, Mr. Curran moved an address to the throne upon the distresses of Ireland, the recal of Lord Fitzwilliam, and the misconduct of his majesty's ministers in their government of Ireland. It was not expected by the opposition that this motion would be carried: their object in bringing it forward was merely to leave a record of their opinions upon the subjects contained in the address *. Mr.

* This address, after a few prefatory clauses stating the attachment of the commons to his majesty's person, and the monarchical form of government, and their late extraordinary supplies for carrying on the present most eventful war, proceeds—

Curran prefaced his motion by a long speech, in the course of which he empha-

That we were the more induced to this, from a zeal for his majesty's service, and an attachment to Great Britain; but accompanied with an expectation that our extraordinary grants would be justified to our constituents by a reform, under a patriot viceroy, of the various and manifold abuses that had taken place in the administration of the Irish government; a reformation which we conceived, in the present times, and under such an increase of debt and taxes, indispensable, and which we do, therefore, most humbly persist to implore and expect.

That, after the supply was granted and the force voted, and whilst the chief governor, possessing the entire confidence of both houses of parliament, and the approbation of all the people, was reforming abuses, and putting the country in a state of defence, he was suddenly and prematurely recalled, and our unparalleled efforts for the support of his majesty answered by the strongest marks of the resentment of his ministers.

That, in consequence of such a proceeding, the business of government was interrupted, the defence of the country suspended, the unanimity, which had under the then lord-lieutenant existed, converted into just complaint and remonstrance, and the energy, confidence, and zeal of the nation, so loudly called for by his majesty's ministers, were, by the conduct of those very ministers themselves, materially affected.

That these their late proceedings aggravated their past

tically warned the house of the dangers that impended over the public tranquillity; but upon this, as upon many former

system; in complaining of which, we particularly refer to the notorious traffic of honours—to the removal of the troops contrary to the law, and in total disregard of the solemn compact with the nation and safety of the realm —to the criminal conduct of government respecting the Irish army—to the disbursements of sums of money, without account or authority—to the improvident grant of reversions, at the expense of his majesty's interest, sacrificed, for the emolument of his servants, to the conduct of his majesty's ministers in both countries, towards his protestant and catholic subjects of Ireland, alternately practising on their passions, exciting their hope, and procuring their disappointment.

That, convinced, by the benefits which we have received under his majesty's reign, that the grievances of which we complain are as unknown to his majesty as abhorrent from his paternal and royal disposition,

We, his Commons of Ireland, beg leave to lay ourselves at his feet, and, with all humility to his majesty, to prefer, on our part, and on the part of our constituents, this our just and necessary remonstrance against the conduct of his ministers; and to implore his majesty that he may be graciously pleased to lay his commands upon his minister to second the zeal of his Irish parliament in his majesty's services, by manifesting in future to the people of Ireland due regard and attention.

occasions, his predictions were disregarded. "I know," said he, "that this is not a time when the passions of the public ought to be inflamed; nor do I mean to inflame them—(*murmurs from the other side of the house*). Yes, I speak not to inflame; but I address you in order to allay the fever of the public mind. If I had power to warn you, I would exert that power in order to diminish the public ferment—in order to show the people that they have more security in your warmth than they can have in their own heat—that the ardour of your honest zeal may be a salutary ventilator to the ferment of your country—in order that you may take the people out of their own hands, and bring them within your guidance. Trust me, at this momentous crisis, a firm and tempered sensibility of injury would be equally honourable to yourselves and beneficial to the nation: trust me, if, at a time when every little stream is swollen into a torrent, we alone should be found to exhibit a smooth, and listless, and frozen surface, the

folly of the people may be tempted to walk across us; and, whether they should suppose they were only walking upon ice, or treading upon corruption, the rashness of the experiment might be fatal to us all."

In the beginning of the following year Mr. Curran moved "that a committee should be appointed to inquire into the state of the lower orders of the people," to whose wretchedness he attributed the prevailing discontents; but his motion was, as usual, "suffocated by the question of adjournment." He also distinguished himself by his support of Mr. Grattan's amendments to the addresses in this year, by his exertions on the question of catholic emancipation, and by his opposition to the suspension of the habeas corpus act.

His last parliamentary effort was in the debate on Mr. William Brabazon Ponsonby's plan of parliamentary reform*, which included catholic emancipation, and was brought forward by the opposition as a

* May 15, 1797.

final experiment to save Ireland from the horrors of the impending rebellion. By the late report of the secret committee, it had appeared that extensive associations for treasonable objects existed throughout the country: the administration considered that force alone should be resorted to—the opposition were as decided that conciliation, and conciliation alone, would restore tranquillity. The ostensible objects of the conspiracy were reform and catholic emancipation: the administration admitted that these were merely pretexts, and that revolution was the real though covert design; but they argued "that the house ought to make a stand, and say that *rebellion must be put down*, before the grievances that were made its pretext should be even discussed." To this it was answered, by Mr. Curran, "if reform be only a pretence, and separation be the real objects of the leaders of the conspiracy, confound the leaders by destroying the pretext, and take the followers to yourselves. You say they are 100,000,—I firmly believe they

are three times the number,—so much the better for you. If these seducers can attach so many followers to rebellion, by the hope of reform through blood, how much more readily will you engage them, not by the promise, but the possession, and without blood. Reform (he continued) is a necessary change of mildness for coercion: the latter has been tried, and what is its success? The convention bill was passed to punish the meetings at Dungannon and those of the catholics: the government considered the catholic concessions as defeats that called for vengeance—and cruelly have they avenged them; but did that act, or those which followed, put down those meetings? the contrary was the fact; it most foolishly concealed them. When popular discontents are abroad, a wise government should put them into an hive of glass;—you hid them. The association at first was small—the earth seemed to drink it as a rivulet;—but it only disappeared for a season:—a thousand streams, through the secret windings of the earth,

found their way to one source, and swelled its waters; until at last, too mighty to be contained, it burst out a great river, fertilizing by its exundations, or terrifying by its cataracts. This was the effect of your penal code—it swelled sedition into rebellion. What else could be hoped from a system of terrorism? Fear is the most transient of all the passions—it is the warning that nature gives for self-preservation; but when safety is unattainable, the warning must be useless, and nature does not therefore give it. The administration mistook the quality of penal laws: they were sent out to abolish conventicles; but they did not pass the threshold, they stood centinels at the gates. You thought that penal laws, like great dogs, would wag their tails to their masters, and bark only at their enemies: you were mistaken; they turn and devour those they were meant to protect, and were harmless where they were intended to destroy. Gentlemen, I see, laugh—I see they affect to be still very ignorant of the nature of fear:—this cannot

last;—neither, while it does, can it be concealed:—the feeble glimmering of a forced smile is a light that makes the cheek look paler. Trust me, the times are too humanized for such systems of government —humanity will not execute them; but humanity will abhor them, and those who wished to rule by such means. We hoped much, and, I doubt not, meaned well by those laws; but they have miserably failed us: it is time to try milder methods. You have tried to force the people: but the rage of your penal laws was a storm that only drove them in groups to shelter. Before it is too late, therefore, try the better force of reason, and conciliate them by justice and humanity. Neither let us talk of innovation—the progress of nature is no innovation—the increase of people, the growth of the mind, is no innovation, unless the growth of *our* minds lag behind. If we think otherwise, and consider it an innovation to depart from the folly of our infancy, we should come here in our swaddling clothes; we should not innovate upon

the dress more than the understanding of the cradle.

"As to the system of peace now proposed, you must take it on its principles; they are simply two—the abolition of religious disabilities, and the representation of the people. I am confident the effects would be every thing to be wished; the present alarming discontent will vanish, the good will be separated from the ill-intentioned: the friends of mixed government in Ireland are many—every sensible man must see that it gives all the enjoyment of rational liberty, if the people have their due place in the state. This system would make us invincible against a foreign or domestic enemy; it would make the empire strong at this important crisis; it would restore to us liberty, industry, and peace, which I am satisfied can never by any other means be restored."

The counsels of peace and conciliation which Mr. Curran and his friends now proposed to the parliament were the last which they had to offer; and finding that they

were to be rejected, they resolved to take no farther part in deliberations, where their interference was so unavailing. "I agree, (said Mr. Curran, in conclusion) that unanimity at this time is indispensable; the house seems pretty unanimous for force; I am sorry for it, for I bode the worst from it: I shall retire from a scene where I can do no good, and where I should certainly disturb that unanimity; I cannot, however, go without a parting entreaty, that men would reflect upon the awful responsibility in which they stand to their country and to their conscience, before they set an example to the people of abandoning the constitution and the law, and resorting to the terrible expedient of force*."

* Mr. Grattan, who followed Mr. Curran, concluded his speech by announcing the same intention:—"Your system is perilous indeed. I speak without asperity; I speak without resentment; I speak, perhaps, my delusion, but it is my heartfelt conviction—I speak my apprehension for the immediate state of our liberty, and for the ultimate state of the empire: I see, or imagine I see, in this system, every thing which is dangerous to both—I hope I am mistaken, at least I hope I exaggerate; pos-

TRIAL OF MR. P. FINNERTY.

Mr. Curran's next great professional exertion was in the defence of Mr. Finnerty, who was tried in December, 1797, for a

sibly I may; if so, I shall acknowledge my error with more satisfaction than is usual in the acknowledgment of error. I cannot, however, banish from my memory the lesson of the American war, and yet, at that time, the English government was at the head of Europe, and was possessed of resources comparatively unbroken. If that lesson has no effect on ministers, surely I can suggest nothing that will. We have offered you our measure—you will reject it; we deprecate yours—you will persevere: having no hopes left to persuade or to dissuade, and having discharged our duty, we shall trouble you no more, and *after this day shall not attend the house of commons.*"—*Irish Par. Deb. May* 15, 1797.

A few weeks after the secession of the opposition, Mr. Grattan addressed a letter to the citizens of Dublin upon the part of himself and the other members of the minority, to explain their motives in taking that step. This letter, besides being a splendid monument of the writer's genius, is an important historical document, and when confronted with the reports of secret committees and similar official statements, will shew what an imperfect idea they convey of the real condition of the times. See the Appendix.

libel on the government and person of the viceroy (Lord Camden). The subject of the libel was the trial and execution of a person named William Orr, which had taken place a little before. Orr, who had been committed upon a charge of High Treason, was arraigned on an indictment framed under the Insurrection Act, for administering unlawful oaths, and convicted. A motion in arrest of judgment was made, in the argument upon which Mr. Curran, who was his leading counsel, is said to have displayed as much legal ability and affecting eloquence as upon any occasion of his life. This argument is so imperfectly reported as to be unworthy of insertion. It contains, however, one striking example of that peculiar idiom in which he discussed the most technical questions: in contending that the Act, under which his client was tried, had expired, he observes, "the mind of the judge is the repository of the law that *does exist*, not of the law that *did exist*; nor does the mercy and justice of our law recognize so disgraceful an office,

as that of a judge becoming a sort of *administrator to a dead statute*, and *collecting the debts of blood that were due to it in its lifetime**."

But all his efforts were unavailing; his legal objections were overruled by the bench; and in answer to what he had addressed to the feelings of the court, the presiding judge, Lord Yelverton, from whose mind classical associations were

* Another of his arguments for arresting the judgment was, "that the state had no right to wage a piratical war against the subject under false colours:"—that Orr's offence, (supposing the informer who gave evidence against him to have sworn truly) amounted to High Treason, and that he should therefore have been indicted under the constitutional statute relating to that crime, from which the accused derive so many privileges of defence. It may be necessary to inform some readers, that when acts of High Treason are made merely *felony* by a particular statute, the persons under trial lose, among other advantages, the benefit of their counsel's address to the jury, to which, had they been indicted for High Treason, they would have been entitled. Upon such occasions, when Mr. Curran, in addressing the court upon questions of law, happened to let fall any observations upon the general merits of the case, he had to sustain the reproach of "attempting to *insinuate* a speech to the jury."

never absent, adverted to a passage in the history of the Roman commonwealth, where, after the expulsion of the Tarquins, it was attempted by the Patricians to restore royalty; and the argument made use of was, "that a government by laws was stern and cruel, inasmuch as laws had neither hearts to feel, nor ears to hear; whereas government by kings was merciful, inasmuch as the sources of humanity and tenderness were open to entreaty*." "For my part, (added his Lordship), I am acting under a government by laws, and am bound to speak the voice of the law, which has neither feelings nor passions."

But this excellent and feeling judge soon

* Regem hominem esse, a quo impetres ubi jus, ubi injuria opus sit—esse gratiæ locum, esse beneficio, et irasci et ignoscere posse—inter amicum atque inimicum discrimen nosse. Leges rem surdam, inexorabilem esse, salubriorem melioremque inopi, quam potenti—nihil laxamenti nec veniæ habere, si modum excesseris.—*Tit. Liv. lib. 2.*

Lord Yelverton was considered as one of the most accomplished classical scholars of his time. An unfinished translation of Livy (his favourite historian) remains among his papers.

shewed how little of legal insensibility belonged to his own nature. When he came to pronounce sentence of death upon the prisoner, he was so affected as to be scarcely audible, and the fatal words were no sooner concluded than he burst into tears, and sinking his head between his hands, continued for many minutes in that attitude of honourable emotion.

The prisoner was recommended by the jury to mercy, but, after receiving no less than three respites, was finally executed. He died, protesting his innocence; and though such a declaration be very doubtful evidence of the fact, (for who, about to suffer for a political crime, would not prefer to be remembered as a martyr), still there were, in the case of Orr, some corroborating circumstances, which render it a matter of surprise and regret that they should have been disregarded. His previous life and character had been irreproachable: subsequent to his trial, it appeared that the informer, upon whose evidence he had been convicted, had, according to his own confession, perjured himself

on a former occasion, and had been in other particulars a person of infamous conduct and reputation; but above all, the circumstances under which the verdict was found against Orr pointed him out, if not as an object constitutionally entitled to mercy, at least as one to whom it would have been an act of salutary mildness to have extended it. The jury had continued from seven o'clock in the evening till six on the following morning considering their verdict; in the interval, spirituous liquor had been introduced into the jury-room, and intimidation used to such as hesitated to concur with the majority. To these latter facts two of the jury made a solemn affidavit in open court, before the judge who tried the cause.

Upon these proceedings, a very severe letter of remonstrance to the viceroy appeared in the Press newspaper, of which Mr. Finnerty was the publisher; and the letter being deemed a libel, the publisher was brought to immediate trial.

Mr. Curran's address to the jury in this case must be considered, if not the finest,

at least the most surprising specimen of his oratorical powers. He had had no time for preparation; it was not till a few minutes before the cause commenced that his brief was handed to him. During the progress of the trial he had occasion to speak at unusual length to questions of law that arose upon the evidence; so that his speech to the jury could necessarily be no other than a sudden extemporaneous exertion: and it was, perhaps, a secret and not unjustifiable feeling of pride at having so acquitted himself upon such an emergency that inclined his own mind to prefer this to any of his other efforts.

The following is his description of the scenes which attended and followed the trial of William Orr.

"Let me beg of you for a moment to suppose that any one of you had been the writer of this strong and severe animadversion upon the lord lieutenant, and that you had been the witness of that lamentable and never to be forgotten catastrophe; let me suppose that you had known the charge upon which Mr. Orr was ap-

prehended—the charge of abjuring that bigotry which had torn and disgraced his country, of pledging himself to restore the people to their place in the constitution, and of binding himself never to be the betrayer of his fellow-labourers in that enterprise; that you had seen him upon that charge torn from his industry and confined in a gaol; that through the slow and lingering progress of twelve tedious months, you had seen him confined in a dungeon, shut out from the common use of air and of his own limbs; that day after day you had marked the unhappy captive, cheered by no sound but the cries of his family or the clanking of his chains; that you had seen him at last brought to his trial; that you had seen the vile and perjured informer deposing against his life; that you had seen the drunken, and worn out, and terrified jury, give in a verdict of death; that you had seen the same jury, when their returning sobriety had brought back their reason, prostrate themselves before the humanity of the bench, and pray that the

mercy of the crown might save their characters from the reproach of an involuntary crime, their consciences from the torture of eternal self-condemnation, and their souls from the indelible stain of innocent blood. Let me suppose that you had seen the respite given, and the contrite and honest recommendation transmitted to that seat where mercy was presumed to dwell: that new and before unheard of crimes are discovered against the informer; that the royal mercy seems to relent; that a new respite is sent to the prisoner; that time is taken to see 'whether mercy could be extended or not;' that after that period of lingering deliberation had passed, a third respite is transmitted; that the unhappy captive himself feels the cheering hope of being restored to a family that he had adored, to a character that he had never stained, and to a country that he had ever loved; that you had seen his wife and his children upon their knees, giving those tears to gratitude which their locked and frozen hearts had refused to anguish and despair, and imploring the

blessings of eternal Providence upon his head who had graciously spared the father and restored him to his children:

"Alas!
Nor wife, nor children, more shall he behold,
Nor friends, nor sacred home!"

"Often did the weary dove return to the window of his little ark; but the olive leaf was to him no sign that the waters had subsided. No seraph Mercy unbars his dungeon, and leads him forth to light and life; but the minister of Death hurries him to the scene of suffering and of shame: where, unmoved by the hostile array of artillery and armed men collected together to secure, or to insult, or to disturb him, he dies with a solemn declaration of his innocence, and utters his last breath in a prayer for the liberty of his country.

"Let me now ask you, if any of you had addressed the public ear upon so foul and monstrous a subject, in what language would you have conveyed the feelings of horror and indignation? Would you have stooped to the meanness of qualified com-

plaint? Would you have checked your feelings to search for courtly and gaudy language? Would you have been mean enough—but I intreat your pardon; I have already told you I do not think meanly of you. Had I thought so meanly of you, I could not suffer my mind to commune with you as it has done: had I thought you that base and servile instrument, attuned by hope and fear into discord and falsehood, from whose vulgar string no groan of suffering could vibrate, no voice of integrity or honour could speak, let me honestly tell you I should have scorned to fling my hand across it; I should have left it to a fitter minstrel; if I do not, therefore, grossly err in my opinion of you, you could invent no language upon such a subject as this, that must not lag behind the rapidity of your feelings, and that must not disgrace those feelings if it attempted to describe them."

The distracted condition of Ireland, at this unfortunate period, may be collected from the following description. To the

general reader of Mr. Curran's speeches, the frequent recurrence of so painful a theme must diminish their attraction; but it was too intimately connected with his subjects to be omitted; and as has been previously remarked, the scenes which he daily witnessed had so sensible an influence upon the style of his addresses to juries, that some advertence to them here becomes indispensable.

"The learned counsel has asserted that the paper which he prosecutes is only part of a system formed to misrepresent the state of Ireland and the conduct of its government. Do you not therefore discover that his object is to procure a verdict to sanction the parliaments of both countries in refusing an inquiry into your grievances? Let me ask you then, are you prepared to say, upon your oath, that those measures of coercion which are daily practised, are absolutely necessary, and ought to be continued? It is not upon Finnerty you are sitting in judgment; but you are sitting in judgment upon the lives

and liberties of the inhabitants of more than half of Ireland. You are to say that it is a foul proceeding to condemn the government of Ireland; that it is a foul act, founded in foul motives, and originating in falsehood and sedition; that it is an attack upon a government under which the people are prosperous and happy; that justice is administered with mercy; that the statements made in Great Britain are false—are the effusions of party or of discontent; that all is mildness and tranquillity; that there are no burnings—no transportations; that you never travel by the light of conflagrations; that the jails are not crowded month after month, from which prisoners are taken out, not for trial, but for embarkation! These are the questions upon which, I say, you must virtually decide. It is in vain that the counsel for the crown may tell you that I am misrepresenting the case; that I am endeavouring to raise false fears, and to take advantage of your passions; that the question is, whether this paper be a libel or not, and that the cir-

cumstances of the country have nothing to do with it. Such assertions must be vain: the statement of the counsel for the crown has forced the introduction of those important topics; and I appeal to your own hearts whether the country is misrepresented, and whether the government is misrepresented. I tell you therefore, gentlemen of the jury, it is not with respect to Mr. Orr or Mr. Finnerty that your verdict is now sought; you are called upon, on your oaths, to say that the government is wise and merciful; the people prosperous and happy; that military law ought to be continued; that the constitution could not with safety be restored to Ireland; and that the statements of a contrary import by your advocates in either country are libellous and false. I tell you, these are the questions; and I ask you, if you can have the front to give the expected answer in the face of a community who know the country as well as you do. Let me ask you how you could reconcile with such a verdict, the gaols, the

tenders, the gibbets, the conflagrations, the murders, the proclamations, that we hear of every day in the streets, and see every day in the country? What are the processions of the learned counsel himself, circuit after circuit? Merciful God! what is the state of Ireland, and where shall you find the wretched inhabitant of this land? You may find him perhaps in a gaol, the only place of security, I had almost said of ordinary habitation! If you do not find him there, you may see him flying with his family from the flames of his own dwelling—lighted to his dungeon by the conflagration of his hovel; or you may find his bones bleaching on the green fields of his country; or you may find him tossing on the surface of the ocean, and mingling his groans with those tempests, less savage than his prosecutors, that drift him to a returnless distance from his family and his home, without charge, or trial, or sentence. Is this a foul misrepresentation? Or can you, with these facts ringing in your ears, and staring in your face, say, upon your

oaths, they do not exist? You are called upon, in defiance of shame, of truth, of honour, to deny the sufferings under which you groan, and to flatter the persecution that tramples you under foot. Gentlemen, I am not accustomed to speak of circumstances of this kind, and though familiarized as I have been to them, when I come to speak of them, my power fails me, my voice dies within me; I am not able to call upon you: it is now I ought to have strength; it is now I ought to have energy and voice,—but I have none; I am like the unfortunate state of the country, perhaps like you. This is the time in which I ought to speak, if I can, or be dumb for ever; in which, if you do not speak as *you* ought,—*you* ought to be dumb for ever."

When Mr. Curran came to comment upon that part of the publication under trial, which stated that informers were brought forward by the hopes of remuneration—"Is that (said he) a foul assertion? or will you, upon your oaths, say to the sister country, that there are no such

abominable instruments of destruction as informers used in the state prosecutions in Ireland? Let me honestly ask you, what do you feel when in my hearing—when, in the face of this audience, you are called upon to give a verdict that every man of us, and every man of you, know, by the testimony of your own eyes, to be utterly and absolutely false? I speak not now of the public proclamations for informers with a promise of secrecy and extravagant reward.—I speak not of those unfortunate wretches, who have been so often transferred from the table to the dock, and from the dock to the pillory—I speak of what your own eyes have seen, day after day, during the course of this commission, while you attended this court—the number of horrid miscreants who acknowledged, upon their oaths, that they had come from the seat of government—from the very chambers of the Castle (where they had been worked upon, by the fear of death and the hopes of compensation, to give evidence against their fellows)—that

the mild, the wholesome, and merciful councils of this government are holden over those catacombs of living death, where the wretch, that is buried a *man*, lies till his heart has time to fester and dissolve, and is then dug up a *witness*. Is this a picture created by an hag-ridden fancy, or is it fact? Have you not seen him, after his resurrection from that tomb, make his appearance upon your table, the living image of life and death, and the supreme arbiter of both? Have you not marked, when he entered, how the stormy wave of the multitude retired at his approach? Have you not seen how the human heart bowed to the awful supremacy of his power, in the undissembled homage of deferential horror? How his glance, like the lightning of Heaven, seemed to rive the body of the accused, and mark it for the grave, while his voice warned the devoted wretch of woe and death—a death which no innocence can escape, no art elude, no force resist, no antidote prevent? There was an antidote

—a juror's oath! But even that adamantine chain, which bound the integrity of man to the throne of eternal justice, is solved and molten in the breath which issues from the mouth of the informer. Conscience swings from her moorings; the appalled and affrighted juror speaks what his soul abhors, and consults his own safety in the surrender of the victim—

—— et quæ sibi quisque timebat
Unius in miseri exitium conversa tulere.

Informers are worshipped in the temple of justice, even as the devil has been worshipped by Pagans and savages—even so in this wicked country, is the informer an object of judicial idolatry—even so is he soothed by the music of human groans —even so is he placated and incensed by the fumes and by the blood of human sacrifices."

It is some relief to turn from these descriptions, (the truth of which any who may doubt it, will find authenticated by the

historian,) to the attestation which the advocate bore (and which he was always ready to bear) to the honourable and dignified demeanour of the presiding judge*. "You are upon a great forward ground, with the people at your back, and the government in your front. You have neither the disadvantages nor the excuses of juries a century ago. No, thank God! never was there a stronger characteristic distinction between those times, upon which no man can reflect without horror, and the present. You have seen this trial conducted with mildness and patience by the court. We have now no Jefferies, with scurvy and vulgar conceits, to browbeat the prisoner and perplex his counsel. Such has been the improvement of manners, and so calm the confidence of integrity, that during the defence of accused persons, the judges sit quietly, and shew themselves worthy of their situation, by bearing, with a mild and merciful patience, the little extravagancies of the bar, as you should bear with

* The Hon. William Downes.

the little extravagancies of the press. Let me then turn your eyes to that pattern of mildness in the bench. The press is your advocate; bear with its excess, bear with every thing but its bad intention. If it comes as a villanous slanderer, treat it as such; but if it endeavour to raise the honour and glory of your country, remember that you reduce its power to a nonentity, if you stop its animadversions upon public measures. You should not check the efforts of genius, nor damp the ardour of patriotism. In vain will you desire the bird to soar, if you meanly or madly steal from it its plumage. Beware lest, under the pretence of bearing down the licentiousness of the press, you extinguish it altogether. Beware how you rival the venal ferocity of those miscreants, who rob a printer of the means of bread, and claim from deluded royalty the reward of integrity and allegiance*."

* The jury found a verdict against the traverser. The above extracts are taken from a fuller report of Mr. Curran's speech upon this occasion than that which is to be found in the published collection.

TRIAL OF PATRICK FINNEY.

Mr. Curran's defence of Patrick Finney (who was brought to trial in January, 1798, on a charge of High Treason), if not the most eloquent, was at least the most successful of his efforts at the bar. This may be also considered as the most important cause that he ever conducted, as far as the number of his clients could render it so; for in addition to the prisoner at the bar, he was virtually defending fifteen others, against whom there existed the same charge, and the same proof, and whose fates would have immediately followed had the evidence against Finney prevailed. The principal witness for the crown in this case was an informer, named James O'Brien, a person whom his testimony upon this trial, and his subsequent crimes, have rendered notorious in Ireland. The infamy of this man's previous life and morals, and the improbability and inconsistencies of his story, were so satisfactorily proved to the jury,

that, making an effort of firmness and humanity very unusual in those days, they acquitted Finney; and, at the next sitting of the court, the fifteen other prisoners were in consequence discharged from their indictments.

In speaking of Finney's acquittal, it would be an act of injustice to attribute it to the ability of Mr. Curran alone. He was assisted, as he was upon so many other occasions of emergency, by Mr. M'Nally*, a gentleman in whom the client

* Leonard M'Nally, Esq. for many years an eminent Irish barrister, and long since known to the English public as the author of Robin Hood, and other successful dramatic pieces, the productions of his earlier days. Among many endearing traits in this gentleman's private character, his devoted attachment to Mr. Curran's person and fame, and, since his death, to the interests of his memory, has been conspicuous. The writer of this cannot advert to the ardour and tenderness with which he cherishes the latter, without emotions of the most lively and respectful gratitude. To Mr. M'Nally he has to express many obligations for the zeal with which he has assisted in procuring and supplying materials for the present work. The introduction of these private feelings is not entirely out of place—it can never be out of place to record an example of stedfastness in friendship. For

has always found a zealous intrepid advocate, and in whom Mr. Curran, from his youth to his latest hour, possessed a most affectionate, unshaken, and disinterested friend. An instance of Mr. Curran's confidence in the talents of his colleague occurred upon this trial: the circumstance too may not be without interest, as an example of the accidents which influence the most important questions.

The only mode of saving their client was by impeaching the credit of O'Brien. It appeared in their instructions that they had some, though not unexceptionable, evidence of his having extorted money, by

three and forty years Mr. M'Nally was the friend of the subject of these pages; and during that long period, uninfluenced by any obligation, more than once, at his own personal risk in repelling the public calumnies which Mr. Curran's political conduct had provoked, he performed the duties of the relation with the most uncompromising and romantic fidelity. To state this is a debt of justice to the dead; the survivor has an ampler reward than any passing tribute of this sort can confer, in the recollection that during their long intercourse not even an unkind look ever passed between them.

assuming the character of a revenue officer. While Mr. Curran was cross-examining him upon this point, the prisoner's agent accidentally heard, from some of the by-standers, that there was a man residing at the distance of a few miles from Dublin, whose testimony would place beyond a doubt that O'Brien was perjuring himself in the answers that he returned*. A

* Some extracts from the cross-examination of this witness shall be inserted as too singular, on many accounts, to be omitted. It should be observed, that Mr. Curran, upon this occasion, departed in some measure from his ordinary method of confounding the perjurer. Instead of resorting to menace or ridicule, he began by affecting a tone of respect and even submission; and, by thus encouraging O'Brien's insolence, threw him off his guard, and led him on more completely to develope his own character to the jury:—

James O'Brien cross-examined by Mr. Curran.

Q. Pray, Mr. O'Brien, whence came you?—*A.* Speak in a way I will understand you.

Q. Do you not understand me?—*A.* Whence? I am here. Do you mean the place I came from?

Q. By your oath, do you not understand it?—*A.* I partly *censure* it now.

Q. Now that you partly *censure* the question, answer it. Where did you come from?—*A.* From the Castle.

chaise was immediately despatched, to bring up this person; and, in the interval,

Q. Do you live there?—*A.* I do while I am there.

Q. You are welcome, sir, to practise your wit upon me. Where did you live before you came to Dublin?—*A.* In the Queen's county.

Q. What way of life were you engaged in before you came to Dublin?—*A.* I had a farm of land which my father left me; and I set it, and afterwards sold it, and came to Dublin to follow business I learned before my father's death. I served four years to Mr. Latouche of Marley.

Q. To what business?—*A.* A gardener.

Q. Were you an excise officer?—*A.* No.

Q. Nor ever acted as one?—*A.* I don't doubt but I may have gone of messages for one.

Q. Who was that?—*A.* A man of the name of Fitzpatrick.

Q. He is an excise officer?—*A.* So I understand.

Q. What messages did you go for him?—*A.* For money when he was lying on a sick bed.

Q. To whom?—*A.* To several of the people in his walk.

Q. But you never pretended to be an officer yourself?—*A.* As I have been walking with him, and had clean clothes on me, he might have said to the persons he met, that I was an excise officer.

Q. But did you never pretend to be an officer?—*A.* I never did pretend to be an officer.

it was proposed by Mr. Curran, that he, who, as senior, was to have commenced

Q. Did you ever pass yourself for a revenue officer?—*A.* I answered that before.

Q. I do not want to give you any unnecessary trouble, sir; treat me with the same respect I shall treat you. I ask you again, did you ever pass yourself for a revenue officer?—*A.* Never, barring when I was in drink, and the like.

Q. Then, when you have been drunk, you have passed for a revenue officer?—*A.* I do not know what I have done when I was drunk.

Q. Did you at any time, drunk or sober, pass yourself as a revenue officer?—*A.* Never, when sober.

Q. Did you, drunk or sober?—*A.* I cannot say what I did when I was drunk.

Q. Can you form a belief—I ask you upon your oath—you are upon a solemn occasion—Did you pass yourself for a revenue officer?—*A.* I cannot say what happened to me when I was drunk.

Q. What! do you say you might have done it when you were drunk?—*A.* I cannot recollect what passed in my drink.

Q. Are you in the habit of being drunk?—*A.* Not now; but some time back I was.

Q. Very fond of drink?—*A.* Very fond of drink.

Q. Do you remember to whom you passed yourself for a revenue officer?—*A.* I do not.

the prisoner's defence, should reserve himself for the speech to evidence, and

Q. Do you know the man who keeps the Red Cow, of the name of Cavanagh?—*A.* Where does he live?

Q. Do you not know yourself?—*A.* There is one Red Cow above the Fox and Geese.

Q. Did you ever pass yourself as a revenue officer there?—*A.* I never was there but with Fitzpatrick; and one day there had been a scuffle, and he abused Fitzpatrick and threatened him; I drank some whiskey there, and paid for it, and went to Fitzpatrick and told him, and I summoned Cavanagh.

Q. For selling spirits without licence?—*A.* I did, and compromised the business.

Q. By taking money and not prosecuting him?—*A.* Yes.

Q. Did you put money into your own pocket by that?—*A.* I did.

Q. But you swear you never passed yourself for a revenue officer?—*A.* Barring when I was drunk.

Q. Were you drunk when you summoned Cavanagh?—*A.* No.

Q. When you did not prosecute him?—*A.* No.

Q. When you put his money into your pocket?—*A.* No.

Q. Do you know a man of the name of Patrick Lamb?—*A.* I do not; but if you brighten my memory, I may recollect.

Q. Did you ever tell any man you were a super-

that his colleague should state the case, and *continue speaking as long as he could*

numerary, and that your walk was Rathfarnham and Tallaght?—*A.* I never did, except when I was drunk; but I never did any thing but what was honest when I was sober.

Q. Do you believe you did say it?—*A.* I do not know what I might have said when I was drunk. You know when a man is walking with an exciseman, he gets a glass at every house.

Mr. Curran.—I know no such thing, never having walked with an exciseman.

Witness.—Then you may know it.

Q. Do you know any man passing by the name, or called Patrick Lamb?—*A.* Not that I recollect, *upon my word.*

Q. Upon your oath?—*A.* I do not recollect: I mean to tell every thing against myself as against any other.

Q. Do you know a person of the name of Margaret Moore?—*A.* Where does she live? Is she married?

Q. She lives near Stradbally. Do you know her?—*A.* I know her well—I thought it might be another. I was courting a woman of that name before my marriage.

Q. Did you come to Dublin before her or after?—*A.* I was in Dublin before I knew her.

Q. Did you get a decree against her?—*A.* I did get a summons for money she owed me.

Q. Were you taken to the Court of Conscience by her?

find a syllable to say, so as to give time to the chaise to return before the trial

—*A.* No. (Contradicted by the evidence on the defence.)

* * * * * * *

Q. When you met Hyland, were you an United Irishman?—*A.* Always united to every honest man.

Q. Were you an United Irishman?—*A.* Never sworn.

Q. Were you in any manner an United Irishman before that day?—*A.* Never sworn in before that day.

Q. Were you in any manner?—*A.* Don't I tell you that I was united to every honest man?

Q. Do you believe you are answering my question?—*A.* I do.

Q. Were you ever in any society of United Irishmen before that day?—*A.* I do not at all know but I may, but without my knowledge: they might be in the next box to me, or in the end of the seat with me, and I not know them.

Q. Were you ever in a society of United Irishmen but that day?—*A.* I was since.

Q. Were you ever of their meetings, or did you know any thing of their business before that day?—*A.* No; but I have heard of defender's business.

Q. Were you of their society?—*A.* No; but when they came to my father's house, I went to Admiral Cosby's and kept guard there, and threatened to shoot any of them that would come: one Connelly told me I was to be murdered for this expression.

should be over. The latter, in whose character there was as little of mental as of

Q. Hyland made signs to you in the street?—*A.* He did.

Q. Did you answer them?—*A.* No.

Q. Why did you not?—*A.* Because I did not know how.

Q. Then is your evidence this, that you went into the house in order to save your life?—*A.* I was told that I might lose my life before I went half a street if I did not.

Q. Then it was from the fear of being murdered before you should go half a street, that you went in to be an United Irishman?—*A.* You have often heard of men being murdered in the business.

Q. Do you believe that?—*A.* I do: it is common through the country; I have read the proclamations upon it, and you may have done so too.

Q. How soon, after you were sworn, did you see the magistrate?—*A.* I was sworn upon the 25th, and upon the 28th I was brought to Lord Portarlington, and in the interval of the two days, Hyland was with me and dined with me.

Q. Why did you not go the next day?—*A.* Because I did not get clear of them, and they might murder me.

Q. Where did you sleep the first night after?—*A.* At my own place—I was very full—very drunk.

Q. Did either of them sleep there?—*A.* No.

Q. Where did you live?—*A.* In Keven Street, among some friends good to the same cause.

personal timidity, accepted the proposal without hesitation, and for once belying

Q. Where did you see Hyland the next day?—*A.* He came to me next morning before I was out of bed, and stayed all day and dined; we drank full in the evening.

Q. What became of you the next day?—*A.* Hyland came early again, and staid all day. I was after getting two guineas from my brother. I was determined to see it out, to know their conspiracies after I was sworn.

Q. Then you meant to give evidence?—*A.* I never went to a meeting that I did not give an account of it.

* * * * * * * *

Q. Do you know Charles Clarke of Blue Bell?—*A.* I have heard of such a man.

Q. You do not know him?—*A.* I do: I do not mean to tell a lie.

Q. You did not know him at first?—*A.* There are many men of the name of Clarke; I did not know but it might be some other. It did not immediately come into my memory.

Q. You thought it might be some other Clarke?—*A.* There is a Clarke came in to me yesterday.

Q. Did you ever get money from Clarke, of Blue Bell, as an excise officer?—*A.* I got *3s. 3d.* from him not to tell Fitzpatrick: he did not know me, and I bought spirits there; and seeing me walk with an exciseman, he was afraid I would tell of him, and he gave me *3s. 3d.*

Q. And you put it into your pocket?—*A.* To be sure.

* * * * * * * *

the maxim that "brevity is the soul of wit," produced an oration so skilfully

Q. Did you pass yourself as a revenue officer upon him? —*A.* No.

Q. You swear that?—*A.* I do.

Q. You know a man of the name of Edward Purcell? —*A.* That is the man that led me into every thing. He has figured among the United Irishmen. He got about 40*l.* of their money and went off. He has been wrote to several times.

Q. How came you to know him?—*A.* Through the friendship of Fitzpatrick. He had Fitzpatrick's wife, as a body might say, having another man's wife.

Q. He made you acquainted?—*A.* I saw him there, and Fitzpatrick well contented.

Q. Did you ever give him a recipe?—*A.* I did.

Q. Was it for money?—*A.* No.

Q. What was it?—*A.* It was partly an order, where Hyland, he, and I, hoped to be together. It was a pass-word I gave him to go to Hyland to buy light gold that I knew was going to the country.

Q. Did you ever give him any other recipe?—*A.* I do not know but I might; we had many dealings.

Q. Had you many dealings in recipes?—*A.* In recipes?

Q. I mean recipes to do a thing; as, to make a pudding, &c. Did you give him recipes of that nature?— *A.* I do not know but I might give him recipes to do a great number of things.

voluminous, that, by the time it was concluded, which was not until his physical

Q. To do a great number of things? What are they? —*A.* Tell me the smallest hint, and I will tell the truth.

Q. Upon that engagement I will tell you. Did you ever give him a recipe to turn silver into gold, or copper into silver?—*A.* Yes; for turning copper into silver.

Q. You have kept your word?—*A.* I said I would tell every thing against myself.

Q. Do you consider that against yourself?—*A.* I tell you the truth: I gave him a recipe for making copper money like silver money.

Q. What did you give it him for? Did he make use of it? Was it to protect his copper from being changed that you did it?—*A.* He was very officious to make things in a light easy way, without much trouble, to make his bread light: but I did it more in fun than profit.

Q. You did not care how much coin he made by it?—*A.* I did not care how much coin he made by it: he might put it upon the market cross.

Q. Do you say you do not care how many copper shillings he made?—*A.* I did not care whether he made use of it or not.

Q. Upon your solemn oath, you say that you did not care how many base shillings he made in consequence of the recipe you gave him?—*A.* I did not care how many he told of it, or what he did with it.

strength was utterly exhausted, the evening was so far advanced, that the Court

Q. Had you never seen it tried?—*A.* No, I never saw the recipe I gave him tried; but I saw others tried.

Q. For making copper look like silver?—*A.* To be sure.

Q. Do you recollect whether you gave him half-a-crown, upon which that recipe was tried?—*A.* I never saw it tried: but I gave him a bad half-crown. I did not give it him in payment: I did it more to humbug him than any thing else.

* * * *

Q. Do you know Mr. Roberts?—*A.* What Mr. Roberts?

Q. Mr. Arthur Roberts, of Stradbally?—*A.* I do.

Q. Did you ever talk to any person about his giving a character of you?—*A.* He could not give a bad character of me.

Q. Did you ever tell any person about his giving you a character?—*A.* I say now, in the hearing of the court and the jury, that I heard of his being summoned against me; and, unless he would forswear himself, he could not give me a bad character.

Q. Did you ever say you would do any thing against him?—*A.* I said I would settle him; but do you know how? There was a matter about an auction that I would tell of him.

Q. Had you a weapon in your hand at the time?—*A.* I believe I had a sword.

readily consented to a temporary adjournment, for the purpose of refreshment; and before it resumed its sitting, the material witness for the prisoner had arrived.

For this important service rendered to their cause, Mr. Curran, in his address to the jury, paid his colleague a tribute, to which, as a man and an advocate, he was so well entitled. When, in the commencement of his speech, he alluded to the statement of his friend, and expressed "his reluctance to repeat any part of it, for fear of weakening it," he turned round to him, threw his arm affectionately over his shoulder, and, with that pathetic fervour of accent so peculiarly his own, addressed him thus: "My old and excellent friend, I have long known and respected the honesty of your heart, but never, until this occasion, was I acquainted with the extent

Q. And a pistol?—*A.* Yes.

Q. And you had them in your hand at the time you made the declaration?—*A.* I knew he was a government man; and I would not do any thing to him in the way of assassination.

of your abilities. I am not in the habit of paying compliments where they are undeserved." Tears fell from Mr. Curran as he hung over his friend, and pronounced these few and simple words; and, however unimposing they may appear in the repetition, it certainly was not the part of his defence of Finney that touched the jury the least.

His speech in this case (particularly in the imperfect report of it that has appeared) does not contain many passages calculated to delight in the closet. It is chiefly occupied in developing the atrocities of the detestable O'Brien; and this object he accomplished with signal success. That wretch, who had, in the early part of the trial, comported himself with so much triumphant insolence, was for a moment appalled by Mr. Curran's description of his villanies, and by the indignant fury of his glances. He was observed palpably shrinking before the latter, and taking shelter in the crowd which thronged the court. The advocate did not

fail to take advantage of such a circumstance. "What was the evidence of the innocent, unlettered, poor farmer Cavanagh; pursuing the even tenor of his way in the paths of honest industry, he is in the act of fulfilling the decree of his Maker—he is earning his bread by the sweat of his brow, when this villain, less pure than the arch-fiend who brought this sentence of laborious action on mankind, enters the habitation of peace and honest industry; and, not content with dipping his tongue in perjury, robs the poor man of two guineas. Where is O'Brien now?—Do you wonder that he is afraid of my eye?—that he has buried himself in the crowd?—that he crept under the shade of the multitude when this witness would have disentangled his evidence? Do you not feel that he was appalled with horror, by that more piercing and penetrating eye that looks upon him, and upon me, and upon us all? At this moment even the bold and daring villany of O'Brien stood abashed; he saw the eye of Heaven in

that of an innocent and injured man; perhaps the feeling was consummated by a glance from the dock—his heart bore testimony to his guilt, and he fled for the same. Do you know him, gentlemen of the jury?—Are you acquainted with James O'Brien? If you are, let him come forward from that crowd where he has hid himself, and claim you by a look."

The religious character of Mr. Curran's addresses to juries, during these convulsed times, has been already adverted to; of this the conclusion of his defence of Finney affords a striking example:—

"This is the great experiment of the informers of Ireland, to ascertain how far they can carry on a traffic in human blood. This cannibal informer, this demon, O'Brien, greedy after human gore, has fifteen other victims in reserve, if from your verdict he receives the unhappy man at the bar—fifteen more of your fellow-citizens are now in gaol, depending on the fate of the unfortunate prisoner, and on the same blasted and perjured evidence of

O'Brien. Be you then their saviours; let your verdict snatch them from his ravening maw, and interpose between yourselves and endless remorse. The character of the prisoner has been given. Am I not warranted in saying that I am now defending an innocent fellow subject on the grounds of eternal justice and immutable law? and on that eternal law I do call upon you to acquit my client. I call upon you for your justice! Great is the reward and sweet the recollection in the hour of trial, and in the day of dissolution, when the casualties of life are pressing close upon the heart, or when in the agonies of death you look back to the justifiable and honourable transactions of your life. At the awful foot of eternal justice, I do therefore invite you to acquit my client; and may God of his infinite mercy grant you a more lasting reward than that perishable crown we read of, which the ancients placed on the brow of him who saved in battle the life of a fellow citizen! In the name of public justice I do implore you

to interpose between the perjurer and his intended victim; and if ever you are assailed by the hand of the informer, may you find an all powerful refuge in the example which, as jurors, you shall set this day to those that might be called to pass upon your lives, that of repelling, at the human tribunal, the intended effects of hireling perjury and premeditated murder. And if it should be the fate of any of you to count the tedious moments of captivity, in sorrow and in pain, pining in the damps and gloom of a dungeon, while the wicked one is going about at large seeking whom he may devour, recollect that there is another more awful tribunal than any upon earth, which we must all approach, and before which the best of us will have occasion to look back to what little good we may have done on this side the grave. In that awful trial—oh! may your verdict this day assure your hopes, and give you strength and consolation, in the presence of an adjudging God. Earnestly do I pray, that the author of eternal justice may

record the innocent deed you shall have done, and give to you the full benefit of your claims to an eternal reward, a requital in mercy upon your souls."

The fate of O'Brien is almost a necessary sequel to the trial of Finney. Mr. Curran, whom long observation in the exercise of his profession had familiarised to every gradation of atrocity, declared at the time, that, much as he had seen of crime, he had never met with such intense, unmitigated villany, as the conduct and countenance of this ruffian manifested; and he did not hesitate to predict, that some act of guilt would shorten his career. Two years after O'Brien was tried for murder *, and, by a kind of retributive justice, the two counsel who had rescued Finney were

* An assemblage of persons of the lower orders having taken place in the suburbs of Dublin for the purpose of recreation, the officers of the police, accompanied by O'Brien, proceeded to disperse them. The multitude fled, and in the pursuit one of them (named Hoey) was murdered by O'Brien.

appointed to conduct the prosecution*. He was convicted and executed. The

* Mr. Curran's speech in O'Brien's case is not distinguished by much eloquence; but it possesses one quality, infinitely more honourable to him than any display of talent could have been. It is full of moderation, resembling as much the charge of a judge as the statement of a prosecutor, and contains no vindictive allusion to the previous crimes of the prisoner. This the following extract will shew:—

"The present trial is considered abroad as of some expectation. I am very well aware that when a judicial inquiry becomes the topic of public and general conversation, every conversation is in itself a little trial of the fact. The voice of public fame, the falsest witness that ever was sworn or unsworn, is always ready to bear testimony to the prejudice of an individual. The mind becomes heated, and it can scarcely be expected, even in a jury-box, to find it cool, and reflecting, and uninterested. There are two tribunals to which every man must be amenable; the one a municipal tribunal, the other the great, and general, and despotic tribunal of public reputation. If the jury have any reason to suppose that any man who comes before them has been already tried by public fame, and condemned, I beg to remind them of the solemn duty that justice imposes on them; to turn their eyes away from the recollection that any sentence of that sort of condemnation has been

populace of most countries are too disposed to regard the death of the greatest

pronounced by the voice of public reputation; and if they think that his character has sunk under such a sentence, I remind the jury, that the infamy of such a condemnation is enough without their taking it into their consideration. It is the duty of the jury to leave the decrees of that court to be executed by its own authority, for they have no right to pass sentence of condemnation upon any man because that ill-judging court may have passed sentence on his character. They ought to recollect, that the evidence given before that court was unsworn; and therefore they are bound to consider the evidence before them naked and simple, as if they had never heard the name of the man they are to try, and the sentence of condemnation that public fame had pronounced upon his character. There is but one point of view in which public character ought to be taken—that is where there is doubt. In such a case general good character ought to have great weight, and go towards the acquittal of the accused; but should it so happen that general bad character should be thrown into the scale, it ought not to have one twentieth part the weight that good character should have.

"The jury, I am satisfied, will deliberately and cautiously weigh the evidence to be produced; they must be perfectly satisfied in their minds of the guilt of the prisoner. They must feel an irresistible and coercive force acting on them, from the weight of the evidence, before,

criminals with sympathy and regret; but so predominant were the feelings of terror and detestation which O'Brien's character had excited, that his execution was accompanied by shouts of the most unusual and horrid exultation.

Before dismissing the subject of this wretched man, one observation should be made, of which the omission might seem to imply a reproach upon the conduct of the prosecutors in Finney's case. It may occur, that the information of such a person should not have gained a moment's attention, still less have endangered the lives of so many subjects. It is, therefore, only just to add, that the real character of O'Brien was unknown to the officers of the crown, until it became developed in the progress of the trial. The attorney-general, who conducted that prosecution, was the late Lord Kilwarden, a man the most reverse of sanguinary, and who, in

by their verdict, they pronounce that melancholy sentence which would remove a murderer from the face of the earth."

those violent times, was conspicuous for correcting the sternness of his official duties by the tenderness of his own amiable nature. His expiring sentiment had been the maxim of his life—"Let no man perish but by the just sentence of the law."

APPENDIX.

THE following fragment of a religious essay, written when Mr. Curran considered himself as destined for the church, may gratify the curiosity of some. It has few claims to originality, but it is not uninstructive to shew that the originality which subsequently distinguished him was as much the reward of cultivation as a gift of nature.

"If we reflect a little on the strange manner in which most of our fellow travellers conduct themselves in this journey through life, we cannot wonder that the perverseness of human nature has been, in all ages, a standing subject of reproach, or of ridicule. The way at best is tedious and distressing, difficult to tread, obscured with clouds, and perplexed with thorns. But it is certain that man, ever ready to torment himself, has, by his own inventive discontent, created a set of grievances more formidable and more numerous than those which nature or Providence designed that he should suffer; instead of alleviating such evils as we cannot avoid, by consolation drawn from the blessings which we or our neighbours enjoy, we follow a course directly contrary; we strive to place our own condition in the most unfavourable point of view; we endeavour, with an ingratitude equally impious and absurd, to extinguish every light, and to exaggerate every shade in the picture; the favours that Providence has heaped upon us, more abundantly than perhaps we deserve, we arrogantly account the sparing reward of our deserts, and murmur at those corrections which, in general, are less proportioned to our demerits than to the

tenderness and compassion of that Being who remembers mercy in his punishments; and if we turn our eyes to the situations of those around us, we are too apt, instead of soothing their afflictions and rejoicing in their happiness, to overlook the former, and to pervert the latter, into a source not of congratulation and pleasure, but of jealousy and discontent. As for those who owe their wretchedness to so monstrous a depravity as this, they are justly punished by the consequences of their own unworthiness; they are objects rather of horror than of pity. But there are others equally unhappy, from a cause less criminal, and of course more pitiable; they have hearts that can glow with transport at the good fortune of their fellow-creatures, or bleed for their distresses; but from a despondency of spirit, or too keen a sensibility, they sink under every evil that befals themselves, whether it arises from the reality of things or the timorous exaggerations of fancy; they are miserable, not because they are wicked, but because they are not wise. To them every thing wears a melancholy aspect; they behold human life through a medium that magnifies or distorts every object; they consider it as subject to perpetual disasters which they cannot avoid, and which they are unable to endure; they lift their eyes to the train of ills that infest it; they discover a dreadful array of pain, poverty, sickness, and they are filled with anguish at the prospect; they cannot bear, with patience, that their own repose should lie at the mercy of the vices and follies of a corrupt world, and that human happiness should be supported by so slender a thread, as every adverse wind of fortune may endanger or destroy. Those people have formed an imaginary, and consequently a mistaken, standard of perfection, by which they judge the designs and the works of their Creator. In the most ordinary piece of mechanism, we see how impossible it is to form any opinion of its excellence or imperfection,

unless we are previously acquainted with the principles on which it is formed, and the uses it is intended to answer; and yet we daily hear men, with the utmost confidence, pronounce a judgment on this complicated system of things, of which they are but an inconsiderable part, and of which it is impossible they should have any adequate conception. Strange infatuation!—as if an atom could measure the boundless region of immensity, or the creature comprehend the infinite wisdom of his Creator. Man views the world as if it had been contrived for no other purpose than his convenience; lost and bewildered in the labyrinths of Providence, he blames the want of design, because the narrowness of his understanding is unable to reach it; assuming the little corner to which his vision is confined as the centre of things, he exclaims against those fancied irregularities which arise from the dimness of his sight, or the disadvantage of his situation; he exclaims that the earth he inhabits is deformed with rocks and mountains; but a little attention would discover to him, that besides being subservient to many things necessary to our well-being, those inequalities no longer are visible, when the spectator is removed to a proper distance from the object; he complains that the moral system is equally full of disproportion and enormity; but he will not always so restrain his impatience as to inquire into the causes of these appearances, to justify and adore, as far as he can discern, and to supply the defects of his sight, by the implicitness of his faith and his resignation. That we are absolutely dependent on the will of that Being who has placed us here should, perhaps, be of itself a sufficient inducement to the most unmurmuring acquiescence under his dispensations; but the all-gracious Deity has in this, as well as in every other instance, kindly united our pleasure and our duty: ever readier to advise than to impose, to persuade than to command, he would rather engage us

as his children to pursue our own happiness, than oblige us as his creatures to submit ourselves to his will. He does not, therefore, say to us—'I have enjoined, and ye must obey; I have inflicted, and ye must suffer;' but he invites the heart that is wounded by distress, and the mind that is labouring under uncertainty, to approach him with reverence and assurance of his mercy; to gain wisdom by considering his works, and comfort by receiving his promises. Let us then avail ourselves of this permission; let us take a view of the conduct of Providence towards us, with respect to our present state and our future destination; and let us do it with that awful respect that is due to the greatness of our Maker, and the gratitude we owe to his benevolence; and if we enter upon this inquiry with the candour and modesty that becomes us, we will find that he has concealed nothing from us which it concerns us to know, and that, though our powers are not formed to pervade and to comprehend the ways and the designs of infinite wisdom, we may yet discover enough to make us admire the goodness of our Creator, to render us obedient to his laws, to reconcile us to the seeming difficulties of our situation in this life, and to stimulate us to every exertion that may approve us deserving of a better.

"As to the present condition of human existence, we are sufficiently assured that this life is only a preliminary stage of being, preparatory for, and introductory to, an higher and a more perfect one. Had man been endued with no superiority above the other works of the divine Architect that surround him, he might, like them, attain to this high and more perfect state, by the necessary progress of his own nature, by a sort of vegetative increase, as a plant advances from seed to maturity. The more ordinary parts of the creation are produced for no purpose that relates to themselves; they are impelled in their progress to

maturity by a necessary and unconscious impulse; they grow, they flourish, and they fade; alike insensible of their improvement or decay. But man, formed for the most glorious purposes, in all which he is intimately, if not entirely, concerned, designed to outlive the wreck of time, and to enjoy or to suffer a never-ending duration, and animated by a soul that may aspire and attain to the most exalted perfection, should travel on to his destination with a nobler guide than brutal instinct or blind necessity, those substitutes of discernment in the beast that perishes, or the plant that withers. In proportion as he is raised eminently above those, so must the motives and principles of his conduct be more elevated, more worthy of the rank he holds; *they* must be driven forward to the end they are designed for by an impulse from without; *he* must determine his actions to a certain point, by an effort from within. Reduced by his wants and his weakness to an absolute dependence on his Maker, and to a consequent necessity of submitting to his laws, he is rendered capable of receiving those laws, by a reason to inquire, and a will left at liberty to follow the dictates of his understanding; but, strongly impelled by his appetites and desires, he is incessantly actuated to seek his own happiness. And here we cannot but admire the wisdom and goodness of God. Had our obedience to him required one course of conduct and our own well-being another, we might have been eternally perplexed between such incompatible objects; we must, in that case, have been reduced to the wretched alternative of being either miserable or rebellious; but the all-bountiful Being, studiously solicitous for the happiness of those he has made, has removed this embarrassment by making our allegiance and our desire of happiness mutual incentives, mutual strengtheners and supporters of each other, and confirming our duty to him by our duty to ourselves. If we conform ourselves to the

rules he has prescribed, we will enjoy happiness as at once the reward of our merit, and the necessary consequence of it, because those rules contain nothing in them that is not indispensably necessary for preserving us, and advancing us to that degree of perfection which we are formed to attain. But while we adore the benevolence of God, in thus solicitously consulting our pleasure and advantage, we may also observe, that the most exalted privilege of our nature, and the most extraordinary instance of his bounty, may become the source of affliction to mankind. Nor should this reflection diminish our gratitude for the blessing, when we consider how the best things, if perverted to other purposes than they were intended to answer, degenerate into the most pernicious; and when we also consider how much it is in our power to avoid this perversion in the present case. The object of man's pursuit is happiness. His Maker and his reason inform him that he can acquire it only by following the rules prescribed to him by both. But man's will is free; he is therefore at liberty to neglect or to pursue these means, and of consequence to fail or to succeed in the end. He may also choose not to be virtuous: and should he so deprave himself he must submit to unhappiness, not only as the punishment incurred by disobeying his Maker, who perhaps may suspend his vengeance over the ungrateful offender, or defer it till some future state of existence, but also as the inevitable consequence of violating the rules necessary to the preservation and perfection of his nature, which, as being a natural effect, cannot possibly be remote, but must flow immediately from its cause."

MR. GRATTAN'S LETTER *.

"Dublin, July 1, 1797.

"TO MY FELLOW-CITIZENS OF DUBLIN.

"I THANK you for past favours; I have found in you a kind and a gracious master; you have found in me an unprofitable servant: under that impression, I beg to assure you, that so long as the present state of representation in the commons house continues, so long must I respectfully decline the honour of soliciting at your hands a seat in that assembly.

"On this principle it was I withdrew from parliament, together with those with whom I act; and I now exercise my privilege, and discharge my duty in communicating with my constituents, at the eve of a general election, some say an immediate dissolution, when I am to render back a trust, which, until parliament shall be reformed, I do not aspire to reassume. The account of the most material parts of my conduct, together with the reason of my resolution, will be the subject of this letter.

"When I speak of my conduct, I mean that adopted in common and in concert with the other gentlemen. We should have felt ourselves deficient in duty if we had not made one effort before the close of the parliament, for the restoration of domestic peace, by the only means by which it seemed attainable—conciliation; and if we had not submitted our opinions, however fallible, and our anxieties, however insignificant, on a subject which in its existence shook your state, and in its consequences must shake the empire. Our opinion was, that the origin of the evil, the

Referred to in the note to page 362.

source of the discontent, and the parent of the disturbance, was to be traced to an ill-starred and destructive endeavour on the part of the minister of the crown, to give to the monarch a power which the constitution never intended; to render the king in parliament every thing, and the people nothing; and to work the people completely out of the house of commons, and in their place to seat and establish the chief magistrate absolute and irresistible. It appeared to us that a minister guilty of such a crime is as much a traitor to the constitution, as the people would be to the king if they should advance in arms, and place their leader on the throne: more guilty of treason in equity and justice, because in them it would be only rebellion against their creature—the king; but in the other it would be rebellion against his creator—the people. It occurred to us that in this country the offence would be still higher, because in this country it would be the introduction not only of a despotic, but of a foreign yoke, and the revival of that great question which in 1782 agitated this country, and which, till your parliament shall be reformed, must agitate this country for ever. We thought no Irishman—we were sure no honest Irishman, would ever be in heart with government, so long as the parliament of this country shall be influenced by the cabinet of England; and were convinced that the people would not be the more reconciled to a foreign yoke, because re-imposed by the help of their own countrymen: as long as they think this to be the case, we were convinced they will hate the administration, and the administration will hate them. On this principle we recollected the parliament of this country pledged their lives and fortunes in 1782, though some seem to have thought better of it since, and are ready to pledge their lives and fortunes against this principle. We could not seriously believe that the people of Ireland were ready to resist the legislative usurpation of

the British parliament, in whose station the greatness of the tyrant would have qualified the condition of the slave, and that the same people were now ready to prostrate themselves to the legislative usurpation of another body—a British cabinet—a humiliated, and a tame tyrant. We recollected to have heard that the friends of ministry had lamented that England had not acceded to the American claim of exclusive legislature, and afterward attempted to re-establish British dominion by influencing the American assembly. We saw the ministry pursue that very plan toward Ireland, which they regretted they had not resorted to in the case of America. We need not repeat the particulars; but we saw the result to be on the mind of the people a deep-rooted and established discontent and jealousy; and we conceived that whatever conspiracies existed, in any extent or degree, proceeded from that original and parent conspiracy in the minister to subvert the parliamentary constitution by the influence of the crown. It appeared to us that the discontent and disturbance so created was greatly increased by another cause—the treatment of his majesty's catholic subjects. It is the business of the minister to observe the changes in the national spirit, as much as the changes of foreign combinations. It was the misfortune of our ministry that they never attended to those changes; they did not perceive that the religious principle and temper, as well as the political, had undergone on the Continent, in America, and in Ireland, a fundamental alteration; that the example of America had had prodigious effect on Europe; the example and doctrine of Europe had had no effect on America; they did not see that in consequence of that cause, (there were other causes also) the Irish Catholic of 1792 did not bear the smallest resemblance to the Irish Catholic of 1692; that the influence of pope, priest, and pretender, were at an end. Other dangers and other influences might have arisen, new objects and new passions; the mind of the

people is never stationary—the mind of courts is often stagnant; but those new dangers were to be provided against in a manner very different from the provisions made against the old. Indeed, the continuation of the old system of safety approximated and secured the new danger: unfortunately our ministers did not think so; they thought, they said, that the Irish Catholic, notwithstanding the American revolution, notwithstanding the French revolution, religious as well as political, was still the bigot of the last century; that with respect to him the age had stood still; that he was not impressed with the new spirit of liberty, but still moped under the old spirit of bigotry, and ruminated on the triumph of the cross, the power of catholic hierarchy, the riches of the catholic clergy, and the splendour of the catholic church. You will find the speeches of the catholic opponents, particularly the ministerial declaimers, dream on in this manner; and you will find from the publications of those speeches and of the Catholics, that the latter had laid aside their prejudices, but that the ministers had not: and one of the causes why those ministers alleged that the catholic mind had not advanced, was, that their own mind had stood still: the state was the bigot, and the people the philosopher. The progress of the human mind in the course of the last twenty-five years has been prodigious in Ireland. I remember when there scarcely appeared a publication in a newspaper of any degree of merit, which was not traced to some person of note on the part of government or the opposition; but now a multitude of very powerful publications appear from authors entirely unknown, of profound and spirited investigation. There was a time when all learning in Europe was confined to the clergy; it then advanced among the higher orders of the laity, and now it has gone among the people; and when once the powers of intellect are possessed by the great body of the nation, 'tis madness to hope to impose on that nation civil or religious oppression,

particularly in those whose understandings have been stationary, though their power and riches have been progressive. The politics of the Castle, with the religious feuds of Ireland, had occupied and engrossed their mind; the eye of that mind, or their intellectual vision, had become, of course, subtle indeed, but extremely little: on the other hand, the politics of Europe and America had occupied the mind of the people, and therefore the mind of the people had become comprehensive; and when the former complained of the press, they complained of the superiority of the popular understanding. It appeared to us that the best remedy was to raise the understanding of the great, by enlarging the sphere of its actions; viz. reforming the parliament. But to return. The ministry, however, thought proper to persist in hostility to the catholic body, on a false supposition of its bigotry: the consequence of such an attempt was, that the great body of the Catholics, I mean that part the most popular and energetic, disappointed, suspected, reviled, and wearied, united with that other great body of the reformers, and formed a Catholic, Presbyterian, and Protestant league, for the freedom of the religion, and the free and full representation of the people. Out of this league a new political religion arose, superseding in political matter all influence of priest and parson, and burying for ever theological discord in the love of civil and political liberty. This is at present in all political matters the Irish religion. What is the Irish religion? Unanimity against despotism. Viewing the state of the country in this light, it appeared to us that the unconstitutional influence of the crown, and the proscription of the Catholics, were the fundamental causes of our discontent and jealousy: with these there existed other discontents, distinct from these causes; without these causes insignificant, but with these causes creating great agitation and disturbance. Two remedies occurred—coercion and conci-

liation: we opposed the former, and we proposed the latter. I will trouble you with our reasons: we considered the system of coercion would in the first instance destroy the liberty of the people, and in the second instance would subvert the authority and powers of government. Here I beg to recur to what I have just observed on the necessity for those who administer a country, to advert to the changes that take place in the temper and understanding of the people. Unfortunately, the ministry provided for the purpose of making the people quiet and contented, a system of laws and proclamations, which, had they been quiet before, would have rendered them distracted. I need not repeat them; we all know them; we had the barren office of giving fruitless opposition; we saw a spirit of reform had gone forth; it had conquered in America; it had conquered in France; both here and in England it existed, and was chiefly nourished and propagated by the abuses of our government. It appeared to us that the best way of starving that spirit, was to remove its food; far otherwise the proposers of the plan of coercion; they thought it better to feed that spirit, and to cherish the abuses and increase them; they hoped to fortify their constitution against an epidemic distemper, by preserving uncured the old gouts and rheumatisms, and a host of other disorders. The power of limited monarchy was not to be preserved by constitutional power, which is its natural ally, but by despotic power, which is its natural death and dissolution. Instead of correcting the abuses of the state, they invented laws which were themselves an abuse, and proclamations which were an abuse also; and which greatly, though silently, propagated the new principle. There are two ways by which a new principle spreads; one is by arms, and by martyrdom the other. The Mahomedan religion was propagated by arms; it pleased Providence that the Christian religion should have been propagated by the latter. See whether the unfortunate choice of our ministers

has not given to the new principle the benefit of both: they have fled before it abroad, and they have trampled on it at home, and given it the double recommendation of conquest and martyrdom. This consideration was one of my objections to persist in the war with France on account of Brabant, and it is one of my objections to persist in a war with the Irish on account of venal boroughs. Had the government, instead of aggravating, restrained abuses, they would have put the state at the head of a spirit of reform, which they could no longer resist, and could only hope to moderate; it was to such a policy adopted by Queen Elizabeth that the Church of England owes principally what it retains of power and splendour, preserved by the government of the country who took the lead in the reformation; but ours fell into a different project, they armed *cap-à-pie* against a spirit which they could not confine by arms abroad nor by executions at home; and, therefore, instead of being at the head of popular measures, they were at the tail of them; in the Catholic question, in the place bill, in the pension bill, in every bill of a popular tendency, they resisted at first, they yielded at last, reluctantly and imperfectly, and then opposed, condemned, and betrayed the principle of their own acquiescence; they agreed to a place bill, for instance, and then they multiplied places manifold. What is the bar bill or the bill that creates thirty new places for the gentlemen of the law? They agreed to the first Catholic bill, and then proscribed the person of the Catholics, and oppose his freedom in corporations; they had before agreed to the establishment of the independency of the Irish parliament, and then had created a multitude of officers to make that independency a name. It is reported to have been said by some of the ministers of England that his majesty's reign has been to Ireland a course of concession, and it was much a subject of wonder that the people of Ireland should persist in their

dissatisfaction; the answer to those ministers is obvious, the concessions were extorted from ministers by the perseverance of opposition, and they were rendered abortive by the treachery of ministers. The recognition of our parliamentary rights has been rendered abortive by unexampled exertions of bribery and corruption; the freedom of our trade by debt and war; and the elective privileges of our Catholics by a course of personal persecution and corporate influence; and, on the whole, the benefit of constitutional laws by the administration of an unconstitutional government. When the ministers talk of their concessions to Ireland, do they know the concessions of Ireland to them? Do they know the debt of the war? Continue that rate of expense, and the English wars of the next century will have the same effect as the English prohibition of the last—they will annihilate the trade of Ireland. But to return to the administration. They relapsed into their violence when they recovered from their fears, and their system has been therefore occasionally violent and weak, never strong and uniform. It is an observation of Lord Bacon, that the fall of one of the Roman emperors was due not to his tyranny nor his relaxation, but to both, and that the fluctuating system is ever fatal; it is an observation of the same, that the way to resist the progress of a new sect is to correct the abuses of the old ones. Unhappily our ministers differed from Bacon; their system was faithful to no one principle, either of violence or concession. We objected that it could not now resort to unqualified violence without incurring all the objections belonging to a policy of submission coupled with a policy of violence, and that it could not hope to obtain the advantages appertaining to either. In pursuit of such a system the ministers seemed to us to have lost not only their discretion but their temper; they seemed vexed with themselves for being angry; they seemed to become in a passion with themselves,

because they had lost their temper with the people; in its struggle with popular rights, the state, like a furious wrestler, lost its breath as well as its dignity; as if an angry father should lose his temper with his child, in which case the old fool is the most incorrigible. In the mean time the enemy seemed to understand our situation perfectly well, and relied on our expenses for dissolving our credit, and our intemperance for dissolving our authority; and at the very time when we were precipitating on such measures at home, we were receiving the most melancholy communications from abroad; we saw the minister retreating from the enemy with as rapid a step as he advanced upon the people, going back, and back, and back, while the democratic principle in Europe was getting on and on, like a mist at the heels of the countryman, small at first and lowly, but soon ascending to the hills and overcasting the hemisphere. Like the government we wished to provide against this storm, like the government we wish to disarm the people; as the best means of safety, we wished to disarm the people; but it was by the only method by which a free people can be disarmed—we wished to disarm the people of their grievances, and then their other arms, their less dangerous arms, the bayonet and even the pike, would be retained for no other use but the use of the government. A naked man oppressed by the state is an armed host. A few decent bishops sent to the tower against law, produced the revolution. Mr. Hampden, with the four other innocent persons, arraigned by Charles I. for high treason, produced the civil war; that grey-coated man or the green man sent on board a tender, or detained in prison without trial; he, too, will have his political consequence. Sensible acts of violence have an epidemic force; they operate by sympathy, they possess the air, as it were, by certain tender influences, and spread the kindred passion through the whole of the community. No wonder the diffi-

culties have increased on the government. Sad experiment! to blood the magistracy with the poor man's liberty, and employ the rich, like a pack of government blood-hounds, to hunt down the poor! Acts of violence like these put an end to all law as well as liberty, or the affectation and appearance of either. In the course of the session we asked to what end all this? and accompanied our question by stating the enfeebled resources of the country. We had mentioned at the beginning that the debt of the war had been about 5,000,000*l.* we were told it was an error. I wish it had been so; but, on examination, that sum appeared somewhat about the debt of the war. And it will appear, if the present loans are filled, that the debt of the war will be near 8,000,000*l.* We submitted the effects of the war on the resources of the country, and here again it was said we were in error. I wish we had been so; but at what interest does the state borrow money?—an interest which, between man and man, would be usury, and nearly double the former rate. We mentioned the state of the revenue to have declined; again were we contradicted; but what is the fact? what business is now done on the quay? We did not wish to reveal the *arcana imperii*, we stated nothing more than appeared from the terms proposed in the gazette, from the returns of your custom-house, and the printed resolutions touching the state of your manufactures; and we stated those public facts, not to damp the public confidence in the defence of the country, but to abate a little of that frantic confidence manifested in a determination, at the hazard of her safety, to go on with a system of domestic coercion till the minister should conquer the people—and of foreign war till the same minister should achieve another conquest, at the risk of general ruin—till he should, sword in hand, recover Brabant. That minister has found it a more pressing experiment to defend Cork than to take Flanders, as

the emperor has found it a safer experiment to abandon Flanders and Italy to save Vienna. We mentioned those our objections to such folly then, and I repeat them now, not to damp your zeal against a foreign enemy, but to confine the zeal of government to one enemy, and to deprecate a second enemy—our own people, and a civil war added to a foreign one. Such was the system of coercion. To oppose a remedy is easy, to propose one is difficult and anxious; it appeared to us that we should fail in duty and in candour, if, when we resisted the project of government, we did not submit a plan of our own, and the only plan that appeared to us to promise peace or prosperity was conciliation; we proposed, accordingly, the emancipation of the Catholics and a reform in the commons house of parliament. To the first it was objected, that such a measure was irreconcileable with the safety of the king or the connexion with England. To the first objection we answered, that the capacities of three-fourths of the people should not be made a personal compliment to his majesty, and that the pretence for taking away those capacities should not be the religion of his majesty's allies, of his present subjects of Canada, of his late subjects of Corsica, of a considerable part of his fleet, and of a great part of his army; that the principles that placed his family on the throne were those of liberty; and that his Irish subjects, if not convicted of felony, were intitled to the benefit of those principles; and that the Catholics have, in justice and reason, at least as good a right to liberty as his majesty has to the crown. We observed, that the only impediment to the Catholic claim, as the law now stands, was the oath requiring the abjuration of the worship of the Virgin Mary, and of the doctrine of the *real* presence; that to make these points, at such a time as this, matter of alarm to the safety of the king, was to give an air of ridicule to the serious calamities in which those, his

ministers, had involved him; that such opinions, now abstracted from foreign politics, it was beyond the right or the power of the state to settle or punish; that kings had no right to enter into the tabernacle of the human mind, and hang up there the images of their own orthodoxy; that the Catholics did not insist his majesty should be of their religion; that his majesty had no right to exact that the Catholics should be of his; that we knew of no royal rule either for religion or mathematics; and indeed the distance between divine and human nature being infinite, the proportion in that reference between the king and the subject is lost, and therefore, in matters of religion, they both are equally dark, and should be equally humble; and when courts or kings assume a dictation on that subject, they assume a familiarity with the Almighty, which is excess of blasphemy as well as of blindness. Our contemplation, the most profound, on divine nature can only lead us to one great conclusion, our own immeasurable inanity; from whence we should learn, that we can never serve God but in serving his creature, and to think we serve God by a profusion of prayer, when we degrade and proscribe his creature and our fellow-creature, was to suppose heaven, like the court of princes, a region of flattery, and that man can there procure a holy connivance at his inhumanity, on the personal application of luxurious and complimentary devotion. Or, if the argument were to descend from religious to moral study, surely, surely ministers should have remembered that the Catholics had contributed greatly to the expenses of the war, and had bled profusely therein; that they themselves were much in debt to human nature, and should not lose that one opportunity of paying a very small part of it, merely by a restoration of loyal subjects to their own inheritance, their liberty. We suggested such a step as a measure of policy as well as justice, with a view to the

strength and power of his majesty, who was most improperly made a bar to such a concession. We suggested that his situation with regard to America, to Europe, to his allies and enemies, was critical; and that it was a mockery of that situation to suppose that the worship of the Virgin Mary, or the doctrine of real presence, constituted any part of the royal difficulties; that there was no spectre to disturb the royal imagination, but an existing substance; a gigantic form walked the earth at this moment, who smote crowns with a hundred hands, and opened for the seduction of their subjects a hundred arms—democracy; and we implored ministers against such an enemy, to ally and identify the king with all his people, without distinction of religion, and not to detach him from any part of them to make a miserable alliance with priestcraft, which was a failing cause and a superannuated folly. With regard to the danger offered to the connexion with England from the emancipation of the Catholics, we observed that the argument was of a most dangerous and insulting nature, for it amounted to a declaration that the privileges of a vast portion of a nation should be sacrificed to another country; that it was not the old internal question, whether the privileges of one part of Ireland should be sacrificed to the ambition of the other, but whether a vast description of the people of Ireland should be sacrificed to England; we observed that in this part of the argument we need not recur to justice, we might rely on policy; and we asked, was it the policy of England, for the purity of Irish faith, to make experiments on Irish allegiance? We did not wish to exaggerate, but were justified in making this supposition—suppose Ireland the *seat* of government, and that for the better securing the safety of the king, here resident, and for the connexion of Great Britain with Ireland, that the Irish should incapacitate all the Protestants of England?' The same affection which

England, on that supposition, would afford to the Irish, the same affection has she now a right to expect from Ireland. When England had conquered France, possessed America, guided the councils of Prussia, directed Holland, and intimidated Spain; when she was the great western oracle to which the nations of the earth repaired, from whence to draw eternal oracles of policy and freedom; when her root extended from continent to continent, and the dew of the two hemispheres watered her branches; then, indeed, we allowed with less danger, but never with justice, she might have made sacrifices of the claims of the Irish. I do not mean, we did not mean, to press a sense of the change which has taken place in the power of England, further than to prevent further changes more mortifying and decisive, and to impress on Great Britain this important conviction, that as Ireland is necessary to her, so is complete and perfect liberty necessary to Ireland, and that both islands must be drawn much closer to a free constitution, that they may be drawn closer to one another. The second part of our plan of conciliation was the reform of parliament. The object of the plan was to restore the house of commons to the people. If the plan do not accomplish that, it is not the idea of the framers; but no plan could satisfy those persons who wished to retain the credit of reformers and the influence of boroughs; no plan could satisfy those who complained when any vestige of borough influence was continued, that the parliament was not reformed, and when the vestiges were swept away, that the constitution was demolished; no plan could satisfy those who desired that the boroughs should be destroyed and preserved, and were willing to let the people sit in the house of commons provided the aristocracy sat in their lap. It is in favour of the plan submitted, that, without any communication whatever with the other side of the water, it bears a strong and close resemblance to the plan

proposed in the parliament of Great Britain, and in that resemblance carries with it a presumption that it has a foundation in common sense and common interest; the objections to it, founded on the presumed antiquity of the borough system, hardly ventured to make their appearance; examination into the subject had shewn that the greater part of the Irish boroughs were creations by the house of Stuart for the avowed purpose of modelling and subverting the parliamentary constitution of Ireland; that these were understated when called abuses in the constitution, that they were gross and monstrous violations, recent and wicked innovations, and the fatal usurpations on the constitution, by kings whose family lost the throne for crimes less deadly to freedom, and who in their star chamber tyranny, in their court of high commission, in their ship money, or in their dispensing power, did not commit an act so diabolical in intention, so mortal in principle, or so radically subversive of the fundamental rights of the realm, as the fabrication of boroughs, which is the fabrication of a court parliament, and the exclusion of a constitutional commons, and which is a subversion, not of the fundamental laws, but of the constitutional lawgiver; you banish that family for the other acts, and you retain that act by which they have banished the commons.

"It was objected with more success that the constitution of boroughs, however in theory defective, has worked well in fact; but it appeared to us that this was an historic error —we stated in answer to that objection, that the birth of the borough inundation was the destruction of liberty and property—that James I, the king who made that inundation, by that means destroyed the titles of his Irish subjects to their lands, without the least ceremony—the robbery of his liberty was immediately followed by the robbery of his property; for, rely on it, the king that takes liberty will very soon take away property—he will rob the subject of his

liberty and influence, and then he may plunder him of his property by statute. There were at that time, the historian adds, inferior grievances. What were they? Martial law and extortion by the soldiers, in levying the king's duties;—a criminal jurisdiction exercised by the Castle chamber, and a judicial power by the council. These inferior and those superior grievances amounted to no law at all. How could it happen, says the historian, that the king could do all this with so small an army; seize the properties of the subjects, and transport the inhabitant? I will presume to conjecture;—the king had another instrument, more subtle and more pliable than the sword, and against the liberty of the subject more cold and deadly, a court instrument, that murders freedom without the mark of blood, palls itself in the covering of the constitution, and in her own colours, and in her name, plants the dagger—a borough-parliament. Under this borough system, the reign of James was bad, but the next was worse; the grievances which England complained of, under Charles the First, were committed in Ireland also. Those measures, I mean, called the new councils; they had been aggravated here by an attempt to confiscate the province of Connaught. There is extant a correspondence on the subject of Ireland, between the king and his deputy, Lord Strafford, of a most criminal and disgusting nature: his majesty begins by professing his general horrors of the constitution; he proceeds to acknowlege his particular injuries to the Irish; he owned that he had defrauded the Irish of their promised graces, and he expresses his fears that they have a right, in justice, to ask what it was his interest as it appeared to be his determination to refuse. His deputy—what does he do? He exceeds his royal master in his zeal against the pretensions of Ireland. A judicious court sycophant will often flatter the court of St. James, by Irish sacrifices, whether it is the constitution, or the fair name of the country. He, the deputy, had, said the his-

torian, two great objects—one was to fleece the people of Ireland, and the other was to cheat them—to get the money and to elude the graces. He succeeded—why? Because there was another—a third instrument, worse than himself—a borough parliament; that borough parliament met—it voted six subsidies, and redressed nothing:—this is virtue and public spirit, in comparison to what it did after. After committing these crimes, for which the deputy justly lost his head—after having seized part of the province of Connaught—after the inflicting martial law, monopolies, raising an army against law, and money to pay that army against law—after fining and confining against law—the borough parliament vote that deputy an extraordinary supply; and in the preamble of the act they pass on that deputy an extraordinary panegyric, with such a thorough conviction of his iniquity and their own, that they after impeach that very minister for those very acts, and record a protestation against the record of their panegyric, to give way to the meanness of another borough parliament, who, on the return of his family, cancels the record of the protestation to restore the force of the panegyric. Massacre, confusion, civil war, religious fury, followed naturally and of course. Here you see hatched and matured the egg that produced the massacre and all that brood of mortal consequences.

"The principles of right were rooted out of the land by government, and they were amazed at anarchy—the barriers against inundation were removed by the government, and they were astonished to be overwhelmed by a popular torrent—the principles of robbery were planted by the deputy, and the government were surprised at the growth of popular pillage. Had the country been left to a state of a barbarous nature, she could not have been so shattered and convulsed as when thus reduced to a state of barbarous art, where the government had vitiated that par-

liamentary constitution it professed to introduce; and had introduced without professing it, influence not civilization—had set one order of the nation in feud against the other—had tainted the gentry with the itch of venality, (there was bribery in those days as well as violence) and had given them ideas of vice but not days of refinement. I pass over a hundred and thirty years, a horrid vacuum in your history of borough parliaments, save only as it has been filled with four horrid images in the four-fold proscription of the religion, trade, of the judicative and legislative authority of the country, by the commercial restrictions of William, the penal laws of William and Anne, and the declaratory act of the 6th of George; and I come to the boundary of the gulf, where the constitution begins to stir and live in an octennial bill, accompanied, however, with, and corrected by, a court project of new parliamentary influence and degradation. This object may be called a court plan for reforming borough parliaments; but reforming them not on the principle of popular representation, but of a more complete and perfect exclusion and banishment of the commons. The people had begun to form certain combinations with the oligarchy, and, like weeds, began to grow a little about the doors and courts of their own houses of parliament, and like weeds it was thought proper to banish them; and as government had before resorted to the creation of boroughs, to overwhelm the commons, so now they resorted to a new host of places and pensions to overwhelm the oligarchy. This is the famous half million, or the experiment of the castle, to secure the dependance of parliament, and to prevent the formation of an Irish party against the domination of a British cabinet. The court could not then, like the first James and the first Charles, command to rise up a new fabric of boroughs, like a real pandemonium, to constitute a regal house of commons; it therefore engendered a

young and numerous family of places and pensions, to bribe and to buy, and to split and shatter, and to corrupt the oligarchy. Thus were the people once more excluded from the chance of influence in parliament, and as it were shouldered from the threshold of their own house by a host of placemen and pensioners, who had left the cause of the country to follow the fortunes of the aristocracy, and now left the aristocracy to follow the fortunes of the court, and then voted new loans and new taxes to furnish wages for the double apostacy. You had now but little to give up, and that little you surrendered; you gave your provision trade by an embargo of 76 to the contractors, and you surrendered, by new loans and taxes, your revenues to the minister. You accompanied these sacrifices with the unvarying felicitations of borough parliaments, on the virtues of government, on the great and growing prosperity of your country, and her commerce, which bring the poor progress of the country, your borough history and that of your chief governors, 'a continuation of rapine,' they have been wittily called, to the catastrophe of 79, which found your state a bankrupt, and your community a beggar, and which induced parliament to declare that such has been the working of your borough system, and such the sense of that parliament respecting it, that nothing but a free trade could save the country from impending ruin. I wish to speak with all honour of the parliament at that moment, but must recollect the circumstances of that moment. Why did parliament express itself in that manner at that time, and demand its rights a short time after? Because parliament was at those moments in contact with the people, and it is the object of the reform that she should continue in contact with the people always, and with the minister never, except the people should be in contact with him; that parliament declared that nothing could save this country from impending ruin,

except a free trade; but in declaring that, it declared much more; it protested against these borough parliaments of a century, who had acquiesced in the loss of a free trade, who had suffered the country to be reduced to that state of impending ruin, for want of that free trade, and who had beheld the approaches of that ruin with a profusion of thanks and a regular felicitation on the growing prosperity and flourishing commerce of a ruined country; and that parliament did, by necessary inference, declare that, to save the country from returning to that state of ruin, it was absolutely necessary to reform the state and model of those borough parliaments, and therefore is an authority for a popular representation, as well as for a free trade; indeed, it not only proclaimed the necessity, but constituted it; for in a short time after it gave this country a new political situation, wherein she ceased to be a province, and became a nation; and of course it rendered those borough parliaments, that were adequate to the management of a province, absurd and inapplicable when that province became a nation. A province must be governed with a view to the interest of another country—a nation with a view to her own interest; a borough parliament was therefore not only competent to govern a province, but the only kind of parliament fit for the degradation of such a service, and for that very reason it was the most unfit and inadmissible instrument in the government of a nation; for the principle of its birth being in that case opposed to the principle of its duty—the principle of its birth being court intrigue, with touched and tainted contractors, and the principle of its duty being the defence of the nation against such intrigue and such contractor—the nature of parliament being opposed to its duty, or its duty to its parent being in contradiction with its duty to its country—it follows that the nation in such a case must be reprovincialized, and the independency sup-

posed to have been then obtained, at that period would have been only a transfer of dependency from the parliament of Great Britain to the court of St. James's, in covin and in couple with the borough brokers of Ireland; therefore the independency of your parliament, and the full and free representation of your people, are terms synonymous and commensurate. In opposition to this history, and these arguments submitted in different shapes to the house, in support of parliamentary reform, it was replied, that the borough constitution had worked well at least since 1782—for before, no man will contend for it—and that the country had greatly advanced in commerce and in tillage; and indeed, as far as the ploughman and the weaver are concerned, too much cannot be said to justify against every charge of sloth, the character of the Irishman, and to vindicate against a vulgar error the native energy of a strong, hardy, bold, brave, laborious, warm-hearted, and faithful race of men. But as far as that boast goes to political measures, we cannot so well express our detestation of them as by recital; the propositions—the new taxes without the trade—the new debt, notwithstanding the new taxes—the sale of the peerage—the surrender of the East India trade for the re-export trade—the refusal of the re-export trade, without such barter—the inequality of the channel trade, and the present provincial tariff suffered still to obtain between the two countries—8,000,000*l.* of loan voted on account of the war, without commercial compensation, liberality, or equality—the increase of offices, for the professed purposes of procuring a majority—another increase of offices since the place bill—the bar bill—the convention bill—the gunpowder bill—the indemnity bill—the second indemnity bill—the insurrection bill—the suspension of the habeas corpus—General Lake's proclamation by order of government—the approbation afforded to that proclamation—the subsequent pro-

clamation of government, more military and decisive—the order to the military to act without waiting for the civil power—the imprisonment of the middle orders without law—the detaining them in prison without bringing them to trial—the transporting them without law—burning their houses—burning their villages—murdering them; crimes, many of which are public, and many committed which are concealed by the suppression of a free press by military force; the preventing the legal meetings of counties to petition his majesty, by orders acknowledged to be given to the military to disperse them; subverting the subject's right to petition! and, finally, the introduction of practices not only unknown to law, but unknown to civilized and christian countries. Such has been the working of the borough system; nor could such measures have taken place but for that system. Such practices, however, have in part been defended as acts of power necessary to prevent insurrection, and punish conspiracy. But it appeared to us that in these practices government was combating effects, not causes; and that those practices increase these causes, and therefore will increase those effects; that admitting every charge of conspiracy and disaffection in its fullest extent—that conspiracy and disaffection are only effects of that great fundamental cause;—that parent conspiracy formed some years ago, to procure by corruption despotic power. That is the cause, and that cause acts according to the reception of its matter, and the tempers and constitutions to which it applies; and therefore produces on some men disloyalty, in some republicanism, in some the spirit of reform; but in all deep, great, and growing discontent. That is the cause and the poison which has made some men mad, and all men sick; and though the government may not be able to restore reason to the mad, or loyalty to the republican, yet if they mean to restore health to the sick, if they mean to restore content and con-

fidence to all, to most, or to any considerable portion of the people, they must take away the poison, they must remove the cause, they must reform the parliament. They have told us at some times, and at other times they have said the contrary, that it is a spirit of plunder, not politics, that is abroad; idle talk—whatever be the crime of the present spirit, it is not the crime of theft—if so, it were easily put down; no, it is a political, not a predatory spirit; it is the spirit of political reformation, carried to different degrees—to liberty in some instances, to ambition in others, and to power in others. And even in these cases where charged to be carried to confiscation, it is evident from the charge itself that confiscation looks to political vengeance, not private plunder; and therefore the best way of laying that spirit, of whatever designs or intents, is to lay the pre-existing spirit of unlawful power and unconstitutional influence that has frighted the people from parliament, and has called to our world that other potent and uncircumscribed apparition. The way to defend your property is to defend your liberty; and the best method to secure your house against a defender is to secure the commons house against a minister. 'There was ambition, there was sedition, there was violence, mixing in the public cause,' said Lord Chatham to Mr. Flood, in a private conversation, as he told me, on the civil war between Charles I. and his people. 'There was,' said he, 'ambition, there was sedition, there was violence; but no man will persuade me that it was not the cause of liberty on one side, and tyranny on the other.' So here there may be conspiracy, there may be republicanism, there may be a spirit of plunder mixing in the public cause; but it is a public cause, and let no man persuade you that it is not the cause of liberty on one side and tyranny on the other. The historian of these melancholy and alarming times, censuring perhaps both the minister and the oppo-

sition, and censuring us more for our relaxation than violence, will, if a candid man, close the sad account by observing, 'that on the whole, the cause of the Irish distraction of 97 was the conduct of the servants of government, endeavouring to establish, by unlimited bribery, absolute power; that the system of coercion was a necessary consequence, and part of the system of corruption, and that the two systems, in their success, would have established a ruthless and horrid tyranny, tremendous and intolerable, imposed on the senate by influence and the people by arms.' Against such excess of degradation, against any excess whatsoever, we moved the middle, and, as we thought, the composing and the salutary measure—a reform of parliament, which should give a constitution to the people—and the Catholic emancipation, which should give a people to the constitution. We supported that measure by the arguments herein advanced, and we defended ourselves by such, against a deluge of abuse conveyed in the public prints against us on account of that measure; and I re-state those arguments, that however the majority of the house of commons might have been affected, your understanding may not be carried away by such a torrent of invective. We urged those considerations; we might have added, in our defence, the dangers of invasion and insurrection, panics most likely to incline the minister to concur in such a measure, which measure seems to be our best, I might say our only, defence against those dangers and those panics: we might have added considerations of the immense expense attendant on the working, as it is called, of this borough constitution; which expense may be called the prodigality of misrepresentation, or the huge and gigantic profusion which the people supply for turning themselves out of parliament. It is well known that the price of boroughs is from 14 to 16,000*l.* and has in the course of not many years increased one-third:

a proof at once of the extravagance and audacity of this abuse, which thus looks to immortality, and proceeds unawed by the times and uninstructed by example; and, in moments which are held alarming, entertains no fear, conceives no panic, and feels no remorse which prevents the chapman and dealer to go on at any risk with his villanous little barter in the very rockings and frownings of the elements, and makes him tremble indeed at liberty, but not at crimes. 'Suspend the habeas corpus act—take away the poor man—send the reformer to Newgate—imprison the north; but for the trade of parliament, for the borough-broker of that trade, do not affect him: give him a gunpowder act, give him a convention bill, give him an insurrection bill, give him an indemnity bill, and, having saturated him with the liberty of his country, give him all the plunder of the state.' Such is the practical language of that great noun of multitude—the borough-broker, demurring on the troubles of the times, which he himself has principally caused, and lying at the door of a secretary full of sores and exactions. This sum I speak of, this 14 or 16,000*l.* must ultimately be paid by you: it is this increase of the price of boroughs which has produced the increase of the expense of your establishments, and this increase of the expense of your establishment which has produced this increase for the price of your boroughs; they operate alternately like cause and effect, and have within themselves the double principle of rapid ruin; so that the people pay their members as formerly, but pay them more, and pay them for representing others, not themselves, and giving the public purse, full and open, to the minister, and rendering it back empty to the people. Oh, unthrifty people! who ever surrendered that invaluable right of paying your own representatives; rely on it the people must be the prey if they are not the paymasters. To this public expense we are to add the monstrous and

bankrupt waste of private property, becoming now so great that honest men cannot in any number afford to come into parliament; the expense amounts to a child's portion, and that child must be wronged, or the father sold or excluded. Thus, in the borough constitution, is private virtue and public set at variance, and men must renounce the service of their country or the interest of their family; from this evil, the loss of private fortune, a much greater loss is likely hereafter to take place, the loss of talent in the public service; for this great expense must in the end work out of parliament all unstipendiary talent that acts for the people, and supply it by stipendiary talent that acts against them. What man of small fortune, what man of great fortune, can now afford to come into the house of commons, or sustain the expense of a seat in parliament, or of a contested election? And what open place, except in a very few instances (the city is one of them), where the electors return without cost to their representatives? I know some who have great talents, and have exercised them in the public service, are disposed to decline situations, to the honest individual so expensive, and to the public now so unprofitable. To this I am to add a greater evil than those already stated, the expenditure of morals. What shall we say for the morals of a country, how many years purchase would you give for her virtue, whose ministry founded its authority on moral depravity, and formed a league and covenant with an oligarchy to transfer for hire, virtually and substantially, the powers of legislation to the cabinet of another kingdom? We inveigh against other combinations, what sort of a combination is this? This, I know not by what name to approach it, shoots its virus into the heart and marrow of the higher orders of the country. 'Make your people honest,' says the court—'make your court honest,' say the people. It is the higher classes that introduce corruption; thieving may be

learned from poverty, but corruption is learned from riches; it is a venal court that makes a venal country; that vice descends from above; the peasant does not go to the castle for the bribe, but the castle candidate goes to the peasant, and the castle candidate offers the bribe to the peasant, because he expects in a much greater bribe to be repaid by the minister. Thus things go on; it is impossible they can last. The trade of parliament ruins every thing; your ministers rested their authority entirely on that trade, till now they call in the aid of military power to enforce corruption by the sword. The laws did, in my judgment, afford the crown sufficient power to administer the country, and preserve the connexion with Great Britain; but our ministers have despised the ordinary tract, and plain, obvious, legitimate, and vulgar bonds between the king and the subject; they have resorted to the guinea and the gallows, as to the only true and faithful friends of government, and try to hang where they cannot corrupt; they have extended the venal stipendiary principle to all constituted authorities; they have given the taint to the grave corporator as well as the senator, and have gone into the halls and streets to communicate the evil to the middling and orderly part of the society; they have attempted the independency of the bar. I have great objections to the bar bill, and my objections are great in proportion to my regards for the profession, whose signal services to the cause of liberty must prove to every man's conviction how valuable the acquisition, and how inestimable the loss of that profound and acute profession must be to the cause of a country such as this was formerly, where the rule of government was the law of the land. We have heard of complaints against systems of disorganization. What is this system? Is not the corruption of organised bodies their dissolution? Is not their perversion worse than

their dissolution? What shall we say of the attempts of ministers on sheriffs, and the appointment of that magistrate, with a view to parliamentary influence only, and to the prevention of legal aggregate meetings, and the suppression of the public sentiment. These things must have an end, this disorganization of constituted authorities by court influence must have an end. I am not superstitious; but I know that states, like individuals, are punished; it is to prevent their punishment we essayed their reformation; they are punished collectively, and they are punished slowly, but they are punished; where the people are generally or universally corrupt, the society comes to a state of dissolution; where that corruption is confined to those who administer the country, that power must come to a state of dissolution; but in order to prevent the society from partaking of that corruption and by consequence of that dissolution, it is necessary that the power that administers the country should be brought speedily and radically to a state of reformation. The best systems are not immortal;—are the worst? Is the trade of parliament immortal? Have the best systems perished? And shall this be impassable and everlasting, infinite in its duration, as it is unbounded in its profligacy. What was the case of Carthage, of Rome, and of the court of France? What is the case of the court of England?—Sitting under the stroke of justice for the American war, paying pains and penalties in augmented burdens and diminished glory; that influence which has depressed her liberty has destroyed her energy, and rendered her as unfit to preserve her empire as her freedom. As long as the battle was between the court and the constitution, the former was perfectly equal to subdue her own people; but when she was to combat another people, she was unequal to the task, and for the very reason, because she had seduced and debased

her own. The corruption of the court has rendered England vincible, and has endued her in her present state of national degradation with an insensibility of glory, the result and evidence of mental degeneracy. I remember to have heard Lord Chatham, in one of his speeches on the Middlesex election, observe, that in his ministry the object of the court of England was the conquest of the French, and that now it was the conquest of Mr. Wilkes: The pursuing such like conquests as those over Mr. Wilkes has enabled the French to establish a conquest over the English. The king who is advised to conquer the liberty of his subjects, prepares those subjects for a foreign yoke. The Romans were conquered at Cannæ, first by Varro, and afterwards by Hannibal. The English have been conquered, first by the minister, and afterwards by the French. Those Romans were finally conquered by the barbarians of the north, because they had been previously conquered by the princes of the empire; and then the half-armed savage, with the pike and the pole, came down on the frontiers, and disposed of the masters of the world as of the stock of the land: the gouty stock of the rich, and the mute stock of the people.

"It is now sixty years since the adoption of the project to supply in corruption what the chief magistrate lost in prerogative—the loss of thirteen provinces—of 120,000,000*l.*; to lose these provinces, the loss of our station in Europe, the loss of 130 millions, to lose that station, to place the crown of England as low in Europe as in America, and to put France at the head of Europe instead of Great Britain, while her people crouch under a load of debt and taxes, without an empire to console, or a constitution to cover them, has been the working of that project; it has worked so well as to have worked the people out of their liberty,

and his majesty out of his empire; to leave him as little authority in Europe as his people in parliament; and to put the king at the feet of France, as the people are put at the feet of the king; public credit has also fallen a victim to this its success, its last great conquest after liberty and empire. In this rapid decline no one minister has been punished or even questioned; and an empire and a constitution have been lost without one penal example; and in a war unparalleled in expense and disgrace, and attended with the grossest and rankest errors, closing the account of blood with proclamations of insolvency, no murmur from the parliament of either countries—no murmur. Far from inquiry or complaint, confidence has uniformly attended defeat and dishonour. The minister's majorities are become as numerous as his disgraces; and so gigantic have been his encroachments on the independency of the constitution, that they can only be matched by the gigantic encroachment of the enemy on the empire. In short, so perfectly do the people appear to be driven out of all footing in the constitution, that when his majesty is driven out of almost all footing in Europe, and a question is made by the people, whether the ministers of these disgraces and dishonours shall be dismissed, they have their majority at hand to support them. Against this inundation of evil we interposed reform; we were convinced of its necessity from the consideration of corruption at home; we were confirmed in that conviction from the consideration of revolutions abroad. We saw the regal power of France destroyed by debts, by expense, and by abuses; we saw the nobility interpose for those abuses only to encumber the throne with their ruins, and to add revolution of property to revolution of government; we saw in the American revolution that a people determined to be free cannot be enslaved; that British government was not equal to the

task, even in plenitude of empire, supported by the different governments of the provinces, and by the sad apostacy of the hapless loyalist; that loyalist is a lesson to the rich and great to stand by their country in all situations; and that in a contest with a remote court, the first post of safety is to stand by the country, and the second post of safety is to stand by the country, and the third post of safety is to stand by the country; in that American contest we saw that reform, which had been born in England and banished to America, advanced like the shepherd lad in holy writ, and overthrow Goliath. He returned riding on the wave of the Atlantic, and his spirit moved on the waters of Europe. The royal ship of France went down—the British man of war labours—your vessel is affected—'throw your people overboard,' say your ministers, 'and ballast with your abuses'—'throw your abuses overboard,' we said, 'and ballast with your people.' We recollected these islands were formerly placed in a sea of despotism; we saw they were now two kingdoms in a republican ocean, situated between two great revolutions, with a certainty of being influenced more or less by one or by both. We asked ourselves, was it possible that the American revolution could have had such effects on France, and that the American and the French revolutions would have no effect on these countries. The questions that affect the world are decided on the theatre of the world. The great question of popular liberty was fought on the great rivers of Europe and America. It remained to moderate what we could not govern; and what method so safe to moderate popular power as by limited monarchy?—and what method remains to limit the monarchy of these kingdoms (it has now no limits) as by reforming parliament? What method, I say, to prevent a revolution but a reformation?—and what is that reformation of parliament but the restoration to the people of self-

legislation, without which there is no liberty, as without reform no self-legislation?—So we reasoned. The government of a country may be placed in the hands of one man, and that one man may reside in another kingdom, and yet the people may be free and satisfied; but to have the legislature of the country, or, what is the same thing, the influencing and directing spirit of the legislature placed out of the country—to have not only the king but the legislature an absentee—to have not only the head but the heart disposed of in another country—such a condition may be a disguised, but it is unqualified and perfect despotism. Self-legislation is life, and has been fought for as for being. It was that principle that called forth resistance to the house of Stuart, and baptized with royalty the house of Hanover, when the people stood sponsors for their allegiance to the liberty of the subjects; for kings are but satellites, and your freedom is the luminary that has called them to the skies. It was with a view therefore to restore liberty, and with a view also to secure and immortalize royalty, by restoring to the people self-legislation, we proposed reform;—a principle of attraction about which the king and people would spin on quietly and insensibly in regular movements, and in a system common to them both. 'No, no, no; the half million, said the minister, that is my principle of attraction. Among the rich I send my half million, and I dispatch my coercion among the people.' His devil went forth—he destroyed liberty and property—he consumed the press—he burned houses and villages—he murdered and he failed. 'Recal your murderer,' we said, 'and in his place dispatch our messenger—try conciliation. You have declared you wish the people should rebel, to which we answer—God forbid! rather let them weary the royal ear with petitions, and let the dove be again sent to the king; it may bring back the olive. And as to you, thou mad minister, who

pour in regiment after regiment to dragoon the Irish, because you have forfeited their affections, we beseech, we supplicate, we admonish, reconcile the people; combat revolution by reform, let blood be your last experiment. Combat the spirit of democracy by the spirit of liberty; the wild spirit of democratic liberty by the regulated spirit of organized liberty, such as may be found in a limited monarchy with a free parliament.' But how accomplish that but by reforming the present parliament, whose narrow and contracted formation, in both countries, excludes popular representation, *i.e.* excludes self-legislation, *i.e.* excludes liberty, and whose fatal compliances, the result of that defective representation, have caused, or countenanced, or sanctioned, or suffered for a course of years, a succession of measures which have collected upon us such an accumulation of calamity; and which have finally, at an immense expense, and through a sea of blood, stranded these kingdoms on a solitary shore, naked of empire, naked of liberty, and naked of innocence, to ponder on an abyss which has swallowed up one part of their fortunes, and yawns for the remainder.

" May the kingly power that forms one estate in our constitution continue for ever; but let it be as it professes to be, and as by the principles and laws of these countries it should be, one estate only, and not a power constituting one estate, creating another, and influencing a third.

" May the parliamentary constitution prosper; but let it be an operative, independent, and integral part of the constitution, advising, confining, and sometimes directing the kingly power.

" May the house of commons flourish; but let the people be the sole author of its existence, as they should be the great object of its care.

" May the connexion with Great Britain continue; but

let the result of that connexion be the perfect freedom, in the fairest and fullest sense, of all descriptions of men, without distinction of religion.

"To this purpose we spoke; and, speaking this to no purpose, withdrew. It now remains to add this supplication:—However it may please the Almighty to dispose of princes or of parliaments, MAY THE LIBERTIES OF THE PEOPLE BE IMMORTAL!

"HENRY GRATTAN."

END OF THE FIRST VOLUME.

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